



W.P.(MD).No.31258 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.31258 of 2023

Vijaylakshmi

... Petitioner

Vs

1. The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai 5.
2. The District Scheduled Caste/
Scheduled Tribes Welfare Department Officer,
Trichy District, Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation, dated 01.12.2023 to promote the petitioner as Record Clerk / Laboratory Assistant on par with the order passed in the proceedings of the 2nd respondent in Na.Ka.No. W1/20809/2020, dated 26.12.2020.

For Petitioner : Mr. V.Kannan

For Respondents : Mr.C.Baskaran
Government Advocate



W.P.(MD).No.31258 of 2023

WEB COPY

ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to consider the petitioner's representation, dated 01.12.2023 to promote the petitioner as Record Clerk / Laboratory Assistant on par with the order passed in the proceedings of the 2nd respondent in Na.Ka.No. W1/20809/2020, dated 26.12.2020.

2.By consent of both parties and considering the limited relief sought for by the petitioner, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.

4.(i).The petitioner has studied upto 12th standard and appointed as Cook by the 2nd respondent at Government Adi Dravidar Residential School, Vannaduputhur, Trichy vide proceedings, dated 18.09.2015. The petitioner joined service on 22.09.2015. Subsequently, she was transferred to



W.P.(MD).No.31258 of 2023

Government Adi Dravidal Girls Hostel, Trichy. Her service was regularized in Selection Grade by the 2nd respondent. The petitioner has worked as Cook for more than 8 years, she is entitled for promotion on completion of five years. She ought to have been promoted as Record Clerk/Lab Assistant, as per the norms and rules of the Government.

(ii).On 26.12.2020, the second respondent has promoted the persons, who have completed five years of service to the post of Record Clerk, vide proceedings, dated 26.12.2020. The petitioner made several representations to the respondents seeking promotion and the last of such representation was made on 01.12.2023. However, the same was not considered. Hence, this writ petition came to be filed.

5.The learned counsel for the petitioner submitted that during the pendency of the writ petition, the representation of the petitioner was considered and the same was rejected on the ground that the promotion cannot be considered at this point of time, since there is no vacancy. Further it is submitted that the fact as stated by the respondent in the rejection order, dated 19.01.2024 is absolutely false and even as on date, 10 vacancies are available. Hence, prayed to allow the petition.



W.P.(MD).No.31258 of 2023

WEB COPY

6.The learned Government Advocate appearing for the respondents filed a counter submitted by the second respondent and would contend that there is no vacancy as claimed by the petitioner. The representation of the petitioner ought to be considered under Tamil Nadu Adi Dravidar Tribal Welfare Subordinate Service Rules. The petitioner is placed in 125th rank in the seniority list and as and when vacancy arises, the petitioner's case would be considered for promotion.

7.Taking note of the statement of the learned Government Advocate and also the submission of the petitioner that there are 10 vacancies in the following places:-

1. *Record Clerk in Government Adi Dravidar Higher Secondary School, Milaguparai, Trichy.*
2. *Record Clerk in Government Adi Dravidar Higher Secondary School, Pampattipatti, Manaparai.*
3. *Record Clerk in Government Adi Dravidar Higher Secondary School, Poigaipatti, Manaparai.*
4. *Record Clerk in Government Adi Dravidar Higher Secondary School, Thiruthalaiyur.*
5. *Record Clerk in Government Adi Dravidar Higher Secondary School, Thulaiyanatham.*



W.P.(MD).No.31258 of 2023

6. *Record Clerk in Government Adi Dravidar Higher Secondary School, Kannanur.*
7. *Record Clerk in Government Adi Dravidar Higher Secondary School, M.R.Palayam.*
8. *Record Clerk in Government Adi Dravidar Welfare Department, Trichy.*
9. *Lab Assistant in Government Adi Dravidar Higher Secondary School, Sozhamadevi, Thiruvarampur.*
10. *Lab Assistant in Government Adi Dravidar Higher Secondary School, Koppampatti.*

the learned Government Advocate is directed to ascertain the current position of vacancy as stated by the petitioner. If any such vacancy exists, the respondents are directed to consider the petitioner's representation positively and pass appropriate orders, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

8. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

29.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



W.P.(MD).No.31258 of 2023

To
WEB COPY

1. The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai 5.
2. The District Scheduled Caste/
Scheduled Tribes Welfare Department Officer,
Trichy District, Trichy.



WEB COPY



W.P.(MD).No.31258 of 2023

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.31258 of 2023

29.01.2024