



W.P.(MD)No.4313 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.03.2025

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THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

W.P.(MD) No.4313 of 2021

and

W.M.P.(MD) Nos.3497 and 3498 of 2021

1.A.Badmavathi

2.Periyasamy

3.S.Pandian

... Petitioners

vs.

1.The Principal Secretary,
Department of BC/MBC/Minority Welfare,
Secretariat,
St.George Fort,
Chennai.

2.The Director,
Department of BC/MBC/Minority Welfare,
Secretariat,
St.George Fort,
Chennai.

3.The Welfare Officer,
BC/MBC/Minority Welfare Department,
Collectorate, Pudukottai.

... Respondents



W.P.(MD)No.4313 of 2021

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned in Letter No.P4/2874/2020 dated 28.08.2020 on the file of the 2nd respondent and quash the same as unconstitutional and illegal and consequently direct the respondents to recruit the petitioners for the post of cooks through the impugned proceedings in Letter No. P4/2874/2020 dated 28.08.2020.

For Petitioners : Mr.A.Rajini

For Respondents :Mr.P.Thambidurai
Government Advocate

ORDER

This Writ Petition has been filed with the following prayer:-

“to call for the records pertaining to the impugned Letter in Letter No.P4/2874/2020 dated 28.08.2020 on the file of the second respondent and quash the same as unconstitutional and illegal and consequently direct the respondents to recruit the petitioners for the post of Cooks through the impugned proceedings in Letter No. P4/2874/2020 dated 28.08.2020.”



W.P.(MD)No.4313 of 2021

2.The short facts of the case in a nutshell, led to filing of this Writ

Petition and necessary for disposal of the same, are as follows:-

The petitioners are working as Sweeper in the respondent Department for a meager salary of Rs.2,500/- per month on a special time scale of pay for more than 10 years, hoping that their services would be regularized when a fresh recruitment takes place. However, the second respondent has issued the impugned proceedings in Letter No.P4/2874/2020, dated 28.08.2020, to fill up the vacancies for the post of Cooks in the respondent Department. For filling up these vacancies, the third respondent had conducted an interview on 10.12.2020 and call letters have been sent for 1400 candidates. When a fresh recruitment takes place for similarly placed posts, the persons like the petitioners, who are already working on an ad-hoc basis, have to be given priority. Hence, the writ petition.

3.Mr.P.Thambidurai, learned Government Advocate for the respondents had already filed a counter affidavit for the respondents on



W.P.(MD)No.4313 of 2021

20.11.2022, which is taken on record, in which in paragraph No.15, it has been stated that the Director of Backward Class Welfare, Chennai, vide Letter No.RC.B4/2874/2020 dated 27.11.2021, had canceled the recruitment process issued in Letter No.P4/2874/2020 dated 28.08.2020 for the post of Cook. Thus, in view of the order passed by the Director of Backward Class Welfare, Chennai, dated 27.11.2021, the relief sought for by the petitioners in this writ petition cannot be granted to the petitioners, as the recruitment process for the post of Cook dated 28.08.2020 has already been cancelled. Thus, he submits that the present writ petition has now become infructuous.

4.After considering the arguments advanced by the learned Government Advocate for the respondents and after perusal of the order passed by the Director of Backward Class Welfare, Chennai in Letter No.RC.B4/2874/2020 dated 27.11.2021, which is taken on record, by which the recruitment process dated 28.08.2020 for the post of Cook has already been cancelled, the relief as sought for by the writ petitioners in this writ petition cannot be granted.



W.P.(MD)No.4313 of 2021

5. Accordingly, the Writ Petition is dismissed. If the petitioners are

aggrieved by any further Notification in future, it is open to them to challenge the same before the competent Court of law. No costs. Consequently, connected Miscellaneous Petitions are closed.

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

12.03.2025

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To

1. The Principal Secretary,
Department of BC/MBC/Minority Welfare,
Secretariat,
St. George Fort,
Chennai.
2. The Director,
Department of BC/MBC/Minority Welfare,
Secretariat,
St. George Fort,
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3. The Welfare Officer,
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W.P.(MD)No.4313 of 2021

SHAMIM AHMED, J.

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W.P.(MD)No.4313 of 2021

12.03.2025