

(2010) 04 MAD CK 0311

In the Madras High Court

Case No : Writ Petition (MD) No. 5942 of 2010 and M.P. (MD) No. 1 of 2010

K. Varghese

APPELLANT

Vs

The Assistant Director, Professional and Executive
Employment Office and The District Employment Officer,
Professional and Executive Employment

RESPONDENT

Date of Decision : 28-04-2010

Acts Referred:

Citation : (2010) 04 MAD CK 0311

Hon'ble Judges : P. Jyothimani, J

Bench : Single Bench

Advocate : K.N. Thampi, for the Appellant; V. Rajasekaran, Special Government Pleader, for the Respondent

Final Decision : Allowed

Judgement

P. Jyothimani, J.—Mr. V. Rajasekaran, learned Special Government Pleader, takes notice on behalf of the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. Heard Mr. K.N. Thampi, learned Counsel appearing for the petitioner and Mr. V. Rajasekaran, learned Special Government Pleader, who has taken notice on behalf of the respondents.

3. The Writ Petitioner challenges the order of the second respondent dated 06.03.2009, by which the second respondent has informed the petitioner that the registration of the petitioner under the Employment Exchange has come to an end in December, 2002, since it has not been renewed subsequently. The original registration of the petitioner under the Employment Exchange was having the Registration No. 12/2002. The petitioner, who has completed his M.Com. and B.Ed., is eligible for appointment in Government services and he has registered himself under the first respondent in Chennai, who was originally the authority, with his M.Com., qualification on 20.09.1990, and it is stated that the

said registration came to be renewed once in three years. In the earlier years, the petitioner used to personally appear before the first respondent and got his name renewed, especially after he has completed his B.Ed., degree and on his presence, in 1996 and 1999, the enrollment was renewed. Thereafter, since he was unable to go to Chennai personally, the renewal application was sent by courier service in the year 2002 and 2005. To substantiate the same, the petitioner has produced the acknowledgments sent by the Franch Express Courier Service, dated 04.12.2002 and by M.R.T. Professional Couriers, dated 08.12.2005 and the petitioner has been under the impression since it has been an admitted procedure, such extension of registration is being done by the post as well as the courier service.

4. In the meantime, the Government made a provision for the purpose of continuation of registration in the Employment Office in respect of Professional and Executive Employment Branch by opening it at Madurai so as to enable the qualified candidates from Southern Districts to have themselves registered and renewed at Madurai, viz., the second respondent. When the petitioner approached the second respondent in the year 2008 for the purpose of renewal for further years, he was informed that he was directed to produce evidence to show that efforts were taken for renewal for the year 2002 and 2005, that is seen in the communication of the second respondent dated 29.12.2008. After receipt of such communication, the petitioner, in the letter dated 15.01.2009, has enclosed the xerox copies of the acknowledgments to evidence the fact that he has applied for the purpose of renewal in December, 2002 and December, 2005. It was after receiving the said communications, the impugned order came to be passed rejecting it on the ground that the application was not renewed after 2002. On the basis of the impugned order, there is no difficulty to conclude that the same has been passed by the second respondent with a total non-application of mind.

5. The statutory authorities, who are expected to act as per the directions of the Government in order to have the employment list renewed, are certainly expected to apply their mind, whenever an application for renewal is made. In the present case, the petitioner has sent the renewal application in December, 2002 and thereafter, in December, 2005, as evidenced by the acknowledgment duly forwarded by the courier service which is recognized proof of service and in spite of it, without assigning any reason, the impugned order came to be passed by the second respondent and such conduct of the second respondent is highly deplorable and is not expected of such an Officer, especially when dealing with the candidates, like that of the petitioner, who is not only suffering, after completing the educational courses with unemployment and this conduct would amount to adding insult to the injury.

6. In such view of the matter, the impugned order of the second respondent stands set aside and the second respondent is directed to consider the xerox copies of the acknowledgments for having sent renewal application on

04.12.2002 and 08.12.2005 and pass appropriate orders of renewing the name of the petitioner under the Employment Exchange as per his qualification, if there are no other legal impediments, within a period of four weeks form the date of receipt of a copy of this order.

7. The Writ Petition stands allowed accordingly. Consequently, the connected miscellaneous petition is closed. No costs.