

THE HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.19889 of 2023

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

"... to issue appropriate Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS praying to direct the respondents to select and appoint the petitioners herein to the post of Ward Welfare and Development Secretary Grade-II in pursuance of Notification Dated 26.07.2019 in view of the merit obtained by the petitioners keeping in view the declaration of this Hon'ble Court in W.A.No.613 of 2022 DT 05.05.2023 which was confirmed by the Apex Court by dismissing the Special Leave to Appeal (C) No.12193-12195/2023 DT 14.07.2023 with effect from the date on which others were appointed in pursuance of the above notification with all consequential benefits and further declaring the action of the respondents in not extending the benefit of declaration of the Division Bench of this Honourable Court to the petitioners as bad, illegal, arbitrary amounts of non application of mind amounts to perpetuating the illegality contrary to law against Art.14, 16, 19 and 21 of the Constitution of India"

2. When the matter is taken up for hearing, learned counsel for the petitioners submits that the issue involved in this Writ Petition is squarely covered by the Common Order dated 05.05.2023 passed by the Division Bench of this Court in Writ Appeal No.613 of 2022 and batch and requested to pass a

similar order in this writ petition also. The operative portion is as follows:

"W.A.No.613 of 2022 is allowed setting aside the order dated 13.04.2022 in W.P.No.2820 of 2021. W.A.No.748 of 2022 is allowed setting aside the order dated 11.07.2022 in W.P.No.18147 of 2019 and W.A.No.749 of 2022 is allowed setting aside the order dated 28.07.2022 in W.P.No.10542 of 2021.

A uniform declaration is given that the B.Com., course is a course in Arts and Humanities. The respondent Nos.1 to 3 are directed to immediately to take steps for considering the petitioners/appellants for appointment. This exercise should be completed within eight (08) weeks from the date of receipt of a copy of this order."

3. The same is not disputed by learned Government Pleader for Village & Ward Secretaries, appearing for the respondents.

4. In view of the same, for the reasons alike in the aforesaid order, this Writ Petition is also allowed in terms of the common order dated 05.05.2023 passed by the Division Bench of this Court in Writ Appeal No.613 of 2022 and batch, respondent Nos.1 to 3 are directed to take steps for considering the petitioners for appointment. This exercise should be completed within eight (08) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

5. Registry is directed to attach a copy of the common order dated 05.05.2023 passed by the Division Bench of this Court in Writ Appeal No.613 of 2022 and batch, to this order.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE V.SUJATHA

Date : 09.08.2023

SPP

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