

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.01.2015

C O R A M

THE HONOURABLE Mr.JUSTICE T. RAJA

W.P.No.30280 of 2007

V. Subramanian

...Petitioner

Vs.

1.The State of Tamilnadu
Rep. by its Secretary to Government
Department of Transport,
Fort St. George,
Chennai-600 009.

2.The Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam-Division-I) Ltd.,
Thanjavur District.

3.The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam - Division-I) Ltd.,
Thanjavur District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the entire records connected with the proceeding in த.அ.போ.க/கும்ப/இ2/517-2006 dated 26.07.2006 of the 3rd respondent and quash the same and consequently direct the 3rd respondent to consider the claim of the petitioner as per the call letter proceeding in த.அ.போ.க/கும்ப/இ2-30-2007 the 3rd respondent.

For Petitioner : Mr.R. Sankara Subbu

For RR1 : Mr.R. Govindasamy
Additional Government Pleader

For RR2 & RR3 : Mr.P. Paramasivados

O R D E R

This writ petition has been filed by V. Subramanian seeking prayer for issuance of writ of Certioratified Mandamus to call for the entire records connected with the proceeding in த.அ.பே.க/கும்ப/இ2-517-2006 dated 26.07.2006 issued by the 3rd respondent and quash the same as illegal with further direction to the third respondent to consider his name for the post of conductor as per the call letter dated 22.03.2006.

2. Learned counsel for the petitioner would submit that the petitioner after registering his name in the Employment Exchange, Nagapattinam on 06.08.1998, has obtained valid conductor license and also underwent first aid training in St. John's Ambulance Association. Thereafter, the Employment Exchange sponsored his name to the post of the conductor to the third respondent Corporation during the year 1996. But, the third respondent, without even considering his 13 years of experience as conductor, wrongly chose not to appoint him as a conductor. Further, he stated that the selection process conducted by the third respondent was also not transparent, therefore, the petitioner was not even able to know on what basis the Selection Committee has failed to appreciate the merits of the petitioner. Although in the counter affidavit, respondents 2 and 3 have mentioned that the candidates sponsored by the Employment Exchange, in the ratio of 1:20, have been considered for selection to the post of conductor, nowhere, in the counter, respondents 2 and 3 have mentioned the clear recruitment Procedure for selection to the post of conductor. Therefore, non-selection of the petitioner, who was having 13 years of experience as conductor as he was working since 1993, on temporary basis, shall not be espoused. The impugned order, rejecting his candidature, should be interfered with by giving direction to the respondents to appoint him as conductor considering his claim as per his call letter dated 22.03.2006. He also made a representation dated 05.06.2006 through C.M. Cell and the same was suitably answered vide letter 26.07.2006 stating that his case will be considered if the Employment Exchange sponsors his name subject to eligibility and other prescribed qualification by the competent interview committee formed for this purpose. The petitioner attended the interview only on 30.03.2007, after the reply to C.M. Cell letter dated 26.07.2006 however, he was not selected by interview committee, hence the petitioner came to this court.

3. A detailed counter have been filed by the respondents 2 and 3.

4. A reading of the counter affidavit reveals that the appointment of drivers and conductors were made in the respondent corporation after receiving sponsorship from the Employment Exchange in the ratio of 1:20. Out of 20 candidates, only one candidate could be selected and the remaining candidates are to be treated as not selected even though they are otherwise qualified. Having been sponsored as one among the 20 candidates, the petitioner was not found suitable for the said post. Therefore, he was left out.

5. When the list of conductors and drivers in the Transport Corporations are received and all are filled up by appointing the candidates sponsored from the Employment Exchange in the ratio of 1:20, after the interview was held, for which he was issued with the call letter dated 26.07.2006, the petitioner's name has not been subsequently sponsored by the Employment Exchange. Therefore, the petitioner whose name has been once again sponsored by the Employment Exchange on the basis of seniority cannot claim any relief from this court. The contention of the petitioner is that his juniors were appointed but he was not considered. Selection of his juniors, cannot be the ground for his appointment. When he failed to impress upon this court in the affidavit filed in support of this petition or any other document, on what basis, he claims superiority over his juniors, the writ petition has to fail and hence, the same is dismissed. No costs.

Sd/-

Asst.Registrar (Records)

/true copy/

Sub Asst. Registrar

Gv

To

1. The Secretary to Government
Department of Transport,
Fort St. George,
Chennai-600 009.

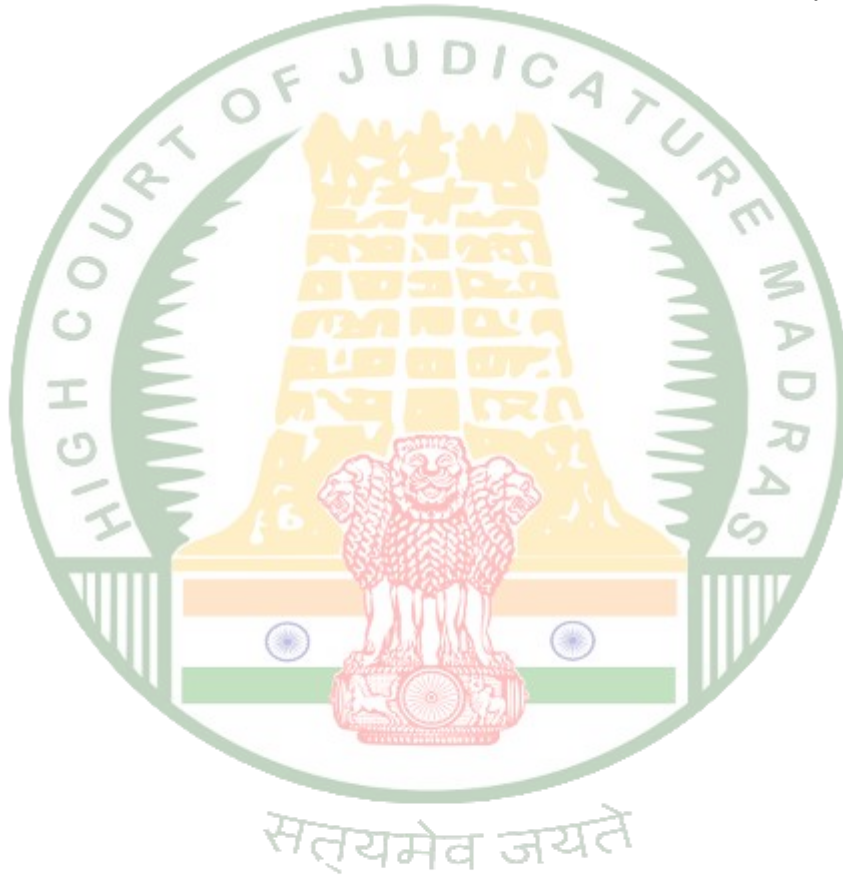
2. The Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam-Division-I) Ltd.,
Thanjavur District.

3.The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam – Division-I) Ltd.,
Thanjavur District.

1 cc to Mr.P. Paramasivadoss, Sr. 3135
1 cc to Government Pleader, sR. 3412
1 cc to Mr.R. Sankarasubbu Sr. 3217

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