

In the High Court of Judicature at Madras

Dated: 24.07.2015

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The Honourable Mr.JUSTICE R.SUDHAKAR
and
The Honourable Mrs.JUSTICE S.VIMALA

Writ Petition No.22471 of 2015
& M.P.No.1 of 2015

A.Aroquiaradje

.... Petitioner

Vs.

1. The Union of India,
rep. By His Excellency the Lieutenant Governor
Of Puducherry,
Union Territory of Puducherry, RajNivas,
Puducherry.
2. The Chief Secretary to Government,
Government of Puducherry,
Chief Secretariat, Beach Road,
Puducherry.
3. The Secretary to Government (Education),
Government of Puducherry,
Chief Secretariat, Beach Road,
Puducherry.
4. Under Secretary to Government (Education),
Government of Puducherry,
Chief Secretariat, Beach Road,
Puducherry.
5. The Director of Education,
Directorate of School Education,
Government of Puducherry,
Perunthalaivar Kamarajar Centenary Education Complex,
100 feet Road, Anna Nagar, Puducherry - 605 005.
6. The Registrar,
Central Administrative Tribunal,
High Court Campus,
Chennai - 600 104.
7. T.N.Nithiya
8. Kumaraguru
9. P.Santhiya
10. Amithpatel
11. R.Staline
12. Muthumalar
13. K.Thanigaikumar

14.S.Radhakrishnan
15.V.Sreeja
16.P.Balakrishnan
17.Ramados

.... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for records relating to the impugned order dated 18.06.2015 passed by the 6th respondent in O.A.No.310/00774/2015 on the file of Central Administrative Tribunal, Madras Bench and quash the same and consequently direct respondent Nos.1 to 5 to prepare fresh selection list for the post "Lecturer (Physical Education) 2014" in pursuant to Notification dated 15.06.2014 issued by the 5th respondent by awarding full/maximum marks of 15 to the petitioner for weightage for his Employment Exchange Seniority as registered petitioner Master Degree/Post Graduate degree in M.P.E.S. (Master of Physical Education & Sports) in Physical Education as yearly as /way back in the year.

For Petitioner : Mr.Prakash Adiapadam
For Respondents : Mr.R.Syed Mustafa - R1 to R5

O R D E R

(Delivered by R.SUDHAKAR,J.)

The petitioner claims to be appointed as a Physical Education Teacher in the Government Middle School, Manapet, Puducherry on 28.06.2007 as per the order of the Tribunal. Subsequently, he was transferred to various places. The petitioner states that he had registered his name in the Employment Exchange and made an effort to renew the same after getting employment. At that time, the petitioner was informed by the Employment Exchange that he secured employment and hence, the name of the petitioner would not be sponsored again. In the meantime, the 5th respondent issued notification on 15.6.2014 notifying applications for the post of Lecturer (Physical Education) through direct recruitment. The petitioner applied for the said post and apprehending that the Authority may not award any marks to his employment exchange seniority, the petitioner submitted representations dated 21.05.2015 and 04.06.2015. Since there was no response to the representations filed, the petitioner has filed a petition before the Central Administrative Tribunal.

2. Before the Central Administrative Tribunal, Mr.R.Syed Mustafa, learned counsel, who is now appearing for respondents, submitted that the select list was not published and therefore there was no cause of action for the petitioner to approach the Tribunal.

3. The Tribunal, taking note of the submission held that when the selection process has not yet completed pursuant to the notification dated 15.6.2014, the petitioner has no cause of action

to approach the Tribunal unless and until the process is completed and select list was notified. Accordingly, the Tribunal, dismissed the application filed by the petitioner.

4. Aggrieved by the said order of the Tribunal, the petitioner is before this Court.

5. Heard learned counsel appearing for the petitioner and the learned counsel appearing for respondents 1 to 6.

6. We find no error in the order of the Tribunal, as admittedly the selection process is not yet completed. The case of the petitioner as well as the rival candidates will have to be taken into consideration by the competent Authority, who is competent to state that which of these candidates will be eligible for selection on the parameters prescribed. The petitioner cannot now pre-empt the selection process to state that he is more qualified than the others until the selection process culminates. Nevertheless, at the time of completion of selection process, the representations dated 21.05.2015 and 04.06.2015 shall be considered by the competent Authority and the Authority may duly inform the result of the selection process, so as to enable the petitioner to work out his remedy, if still aggrieved.

7. With the above observation, this Writ Petition stands disposed of. No costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Excellency the Lieutenant Governor
Of Puducherry,
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1 cc to Mr. Prakash Adiapadam, Advocate Sr.No.37751
1 cc to Senior Government Pleader- cum- Sr.PP.Sr.No.37923

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pmk.24.7.2015



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