

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-07-2016

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THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No. 24602 of 2014
and W.M.P.Nos. 21016 and 21017 of 2016

Nandagopalan

.. Petitioner

Vs.

1.The Chief Manager (HR)
Recruitment & Promotion Section
Oil & Natural Gas Corporation Limited
No.1, Gandhi Irwin Road
C.M.D.A. Towers
Egmore
Chennai-600 008.

2.The Employment Officer
Employment Exchange
Government of Puducherry
Puducherry.

... Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in No.CHN/R&P/RECTT/69/2015, dated 12.05.2016, passed by the 1st respondent and quash the same and consequently, to direct the 1st respondent to consider the petitioner's candidature and appoint him as Junior Motor Vehicle Driver (HV) in the 1st respondent and pass such further orders as this Court may deem fit and proper on the circumstances of the case.

For Petitioner : Mr.I.Paul Noble Devakumar

For Respondents : Mr.A.Tamilvanan
Government Pleader
(Puducherry) for R.2

O R D E R

This Writ Petition has been filed challenging the impugned order passed by the 1st respondent, on 12.05.2016, thereby, rejecting the petitioner's candidature for recruitment to the post of Junior Motor Vehicle Driver (HV).

2. According to the petitioner, he had a valid Employment Exchange Registration Card, therefore, he had applied for the post of Junior Motor Vehicle Driver (HV). He was called for written test and subsequently, he was called for interview, after qualifying in the driving test. He was successful in all these things, but, at the time of verification of the certificate, they have rejected his candidature on the ground that his Employment Exchange Registration Card was not in force. Aggrieved against the same, the petitioner has filed the present Writ Petition.

3. Mr.I.Paul Noble Devakumar, the learned counsel for the petitioner would submit that no doubt, his Employment Exchange Registration expired in July, 2014, but, he has got 18 months time to renew it and accordingly, he has sought for renewal and his Employment Exchange Registration was renewed on 29.03.2016, therefore, the petitioner should have been considered for recruitment.

4. Mr.A.Tamilvanan, the learned Government Pleader (Puducherry), who took notice on behalf of the 2nd respondent, would point out that one of the essential condition prescribed in the advertisement for recruitment to the post of Junior Motor Vehicle Driver (HV) is that the candidates should possess a valid Employment Exchange Registration as on the closing date of the advertisement i.e., 20.10.2015, but, the petitioner's Employment Exchange Registration was valid only till July, 2014. Since, the petitioner was not in possession of a valid Employment Exchange Registration Card as on 20.10.2015, his candidature was rightly rejected and hence, he prays for the dismissal of the Writ Petition.

5. On a careful consideration of the above submission and the materials placed on record, this Court was not convinced with the arguments of the learned counsel for the petitioner mainly on the ground that first of all, the petitioner's candidature was rejected not by the impugned order dated 12.05.2016, but, his candidature was rejected by the earlier order dated 30.03.2016, in which, it was clearly indicated as follows:-

"Dear Sir/Madam

Sub: Recruitment to the post of Jr.Motor Vehicle Driver (HV)

Ref: Your Roll No.7012900017

This is to inform you that based on the test/verifications done today, your candidature for the above mentioned post is not considered on the following grounds:

1.Not possessing requisite essential qualification as per notification.

?2.Not possessing valid Employment Exchange Registration.

....

10.Not qualified in Heavy Vehicle Driving Test."

(emphasis supplied.)

This earlier order, dated 30.03.2016, has not been admittedly challenged by the petitioner. Thereafter, from the impugned order, it is seen that the petitioner had made a representation to the 1st respondent, on 28.04.2016, but, the same is not even enclosed in the typed-set of-papers. Based on the representation made by the petitioner, the present impugned order dated 12.05.2016 has been passed by the 1st respondent reiterating the rejection made as early as on 30.03.2016. In the impugned order, dated 12.05.2016, it was clearly stated that the petitioner had given a false information in his application that his Employment Exchange Registration Card No. 0123938 was valid till July, 2018, whereas, the validity of the same had actually expired in July, 2014 itself.

6. Here is a fittest case, which should not be entertained, because, the petitioner by giving false information tried to join the Government organisation. He knew very well that at the time of submitting his application, his Employment Exchange Registration is not a valid one. After written test and driving test, last comes the certificate verification. In his application, he has stated that his Employment Exchange Registration was valid till July, 2018 and only on that basis, he was called for the written test and driving test, and only at the time of certificate verification, it was found that the false information is given by the petitioner. The petitioner has now come forward with a new theory stating that he has got 18 months time to renew it and accordingly, he has sought for renewal and his Employment Exchange Registration Card was renewed on 29.03.2016, therefore, he should have been considered for recruitment to the post of Junior Motor Vehicle Driver (HV). But, the contention of the petitioner cannot be accepted for the reason that the earlier order, dated 30.03.2016, has not been challenged by him. Further, it is seen that the application for renewal of the Employment Exchange Registration Card was given

only on 29.03.2016 and he got it renewed on the same day at Puducherry. Hence, in the considered opinion of this Court, the petitioner's candidature for recruitment to the post of Junior Motor Vehicle Driver (HV) has been rightly rejected and this Court does not find any reason to interfere with the impugned order, dated 12.05.2016. This Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

paa
To

- 1.The Chief Manager (HR)
Recruitment & Promotion Section
Oil & Natural Gas Corporation Limited
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C.M.D.A. Towers
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Chennai-600 008.
- 2.The Employment Officer
Employment Exchange
Government of Puducherry
Puducherry.

+1cc to Mr.J.Paul Noble Devakumar, Advocate, S.R.No.40092

+1cc to the Government Pleader, S.R.No.40221

RSY(CO)
EU(08/08/2016)

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