

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.10.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.31374 of 2016
and
W.M.P.Nos.27228 and 27229 of 2016

S.Gundumani

... Petitioner

vs.

1. The State of Tamil Nadu,
rep. by Secretary to Government,
Home (Transport II-A) Department,
Secretariat, Fort St. George,
Chennai- 600 009.
2. The Transport Commissioner,
Transport Department,
Elizhagam,
Chennai - 600 005.
3. The Joint Transport Commissioner (HR & Admin),
Transport Department,
Elizhagam,
Chennai - 600 005.
4. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar,
Opp. To MMC Boys Hostel,
Park Town,
Chennai - 600 003.
5. Thiru K.Sakthivel,
General Fore Man,
Tamil Nadu Motor Vehicle Maintenance Department,
Villupuram.

... Respondents

Prayer :- Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus to call for⁴ the records relating to the impugned select list issued by the 4th respondent in No. Nill dated 19.08.2016 and to quash the same in so far as the inclusion of Registration No.00103055 of the 5th respondent is concerned and consequently direct the respondents 1 to 4 to include the petitioner Registration NO.00102084 in the main select list and to appoint him to the post of Motor Vehicle Inspector Grade II based on merit in selection as per the terms of the notification NO.24 of 2012 dated 25.06.2012 with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr. R.Venkatesh,
Gov. Advocate.
For R1 to R3.

: Mr.M.Devendran,
For R4

O R D E R

With the consent of both sides, the main writ petition itself is taken up for final disposal.

2. The writ petition has been filed seeking certiorarified Mandamus to call for the records relating to the impugned select list issued by the 4th respondent in No. Nill dated 19.08.2016 and to quash the same in so far as the inclusion of Registration No.00103055 of the 5th respondent is concerned and consequently direct the respondents 1 to 4 to include the petitioner Registration No.00102084 in the main select list and to appoint him to the post of Motor Vehicle Inspector Grade II based on merit in selection as per the terms of the notification No.24 of 2012 dated 25.06.2012 with all consequential and other attendant benefits.

3. The petitioner is qualified with B.Tech in automobile engineering. The 4th respondent issued notification No.24/2012 dated 25.06.2012 inviting applications for direct recruitment to 17 vacancies to the post of Motor vehicle Inspector Grade II, through on line mode. The petitioner applied for the same and he was permitted to write examination on 26.08.2012. The petitioner has secured 175.50 marks in the written test. Thereafter, the petitioner was issued with notice of interview dated 20.02.2015 to attend certificate verification and oral test was conducted on 04.03.2015 and 05.03.2015

respectively and he was awarded with 30 marks in the oral test.

4. The respondent TNPSC has issued the provisional selection list on 19.08.2016, for the notification of the year 2012. In the provisional selection list, petitioner name is included in the reserve list for the reserved category of SC General as well as SC(W)-PSTM. But the registration number of the 5th respondent has been included in the selection list and it is stated to be "withheld" pending receipt and acceptance of certain documents, i.e ., No Objection Certificate to be obtained from the department, where he was working. It is a mandatory requirement to produce No Objection Certificate at the time of certificate verification, failing which the candidature will be rejected and they will not be admitted to the oral test under any circumstances and they are liable to lose their chance of being interviewed. In spite of the same, it is found that the 5th respondent has been allowed to participate in the Certificate verification conducted on 04.03.2015 without producing the No Objection Certificate, which is mandatory. In view of the facts and circumstances, the 5th respondent is not eligible to be included in the selection list and any further action by the respondent to appoint him to the post of Motor Vehicle Inspector Grade II is illegal. Hence, the petitioner has come up with the present writ petition.

5. Today when the matter is taken up for consideration, the learned counsel appearing for the 4th respondent submitted that they had received a letter from the 5th respondent stating that he is not interested to join in the post of Motor Vehicle Inspector Grade II and also produced a copy of the letter submitted by the 5th respondent and the submission of the learned counsel for the 4th respondent is recorded.

6. In view of the same, since the 5th respondent is not interested to join in the post of Motor Vehicle Inspector Grade II, the 4th respondent is directed to consider the claim of the petitioner to include his registration No.00102084 in the main selection list and to appoint him to the post of Motor Vehicle Inspector Grade II on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

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7. With the above direction, the present writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mrp

To

1. The Secretary to Government, State of Tamil Nadu
Home (Transport II-A) Department,
Secretariat, Fort St. George,
Chennai- 600 009.
2. The Transport Commissioner,
Transport Department,
Elizhagam,
Chennai - 600 005.
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4. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar,
Opp. To MMC Boys Hostel,
Park Town,
Chennai - 600 003.

+1 cc to Government Pleader sr 58603
+1 cc to Dr.M.Devendran Advocate sr 58429
+1 cc to M/s.G.Sankaran Advocate sr 58741

W.P.No.31374 of 2016

aa19/10/2016