



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**
and
THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P (MD) No.23151 of 2015

ANAITHINDIYA SAMUTHAYA MAKKAL
KATCHI REP. BY ITS PRESIDENT K.V.RAJAPPA
80 KULANTHAI VELAN LANE MAIN ROAD
DINDIGUL-624 001. .. Petitioner

Vs.

- 1 UNION OF INDIA
MINISTRY OF CULTURE THROUGH ITS SECRETARY
503 C WING SHASTRIBHAWAN NEW DELHI-15.
- 2 CHAIRMAN
UNION PUBLIC SERVICE COMMISSION SHAHJAHAN
ROAD NEW DELHI-69.
- 3 DIRECTOR GENERAL
ARCHAEOLOGICAL SURVEY OF INDIA ASI HEAD
QUARTERS JANPATH NEW DELHI-11. .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned Notice of Result dated 26.08.2015 in advertisement bearing Advt. No. 7/2010 Item No.3 vide Reference No.F.1/44/2010-R-IV published on 10.4.2010 for recruitment of 24 Posts of Deputy Superintending Archaeologists in the Archaeological Survey India Ministry of Culture and quash the same as illegal and subsequently direct them to conduct recruitment afresh by following reservation policy.

For Petitioner : Mr.T.Lajapathi Roy
for MR.V.RAJIV RUFUS

For Respondents : Mrs.L.Victoria Gowri for R1 to R3



6. It is also contended that as per the decision of the Hon'ble Supreme Court in **Bishnu Biswas & Others v. Union of India & Others** in **Civil Appeal Nos.4255 - 58 of 2014**, the maximum mark that should be awarded for interview shall not exceed 50% of the total marks and in this case, it has been fixed as 50%. For these reasons, according to the petitioner, the selection should be cancelled.

7. In our considered view, this writ petition deserves to be dismissed on many grounds:

(i) First of all, the selected candidates, who have got the benefit of joining the duty, have not been impleaded as parties. Without hearing them, it may not be proper or legal for us to interfere with the selection made.

(ii) Secondly, the petitioner was not a candidate in the selection. It is a registered political party. In a matter of selection, it is for the aggrieved candidate, who did not get selection, to approach the Court or any other competent forum for relief. A political party cannot challenge the selection on the ground raised in this petition, more particularly, on the ground that for some of the candidates, who appeared well in the written examination wantonly lesser interview marks have been awarded by the committee. At any rate, in the selection process in this case commenced in the year 2010. Recruitment Test was held on 06.03.2011. Candidates shortlisted for interview was published on 15.11.2011 and the interview was held on 03.08.2015 to 07.08.2015. Thereafter, only, the petitioner has come up with this petition.

8. For these reasons, in our considered view, the relief sought for by the petitioner cannot be granted. It is for the unsuccessful candidates to work out their remedy before the appropriate forum. It is also brought to our notice by the learned counsel for the petitioner that some of the unsuccessful candidates have approached the Central Administrative Tribunal. It is for them to work out their remedy there. We are inclined to clarify that we have not gone into the issues raised in the writ petition, as we are inclined to dismiss the writ petition only on technical grounds of maintainability. All these grounds made in this petition are left open. Except making an observation that the official memorandum of the Central Government should be given effect to scrupulously, we are not inclined to grant the relief sought for in this writ petition. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Cr1.side)



To

1 UNION OF INDIA
MINISTRY OF CULTURE THROUGH ITS SECRETARY
503 C WING SHASTRIBHAWAN NEW DELHI-15.

WEB COPY

2 CHAIRMAN
UNION PUBLIC SERVICE COMMISSION SHAHJAHAN
ROAD NEW DELHI-69.

3 DIRECTOR GENERAL
ARCHAEOLOGICAL SURVEY OF INDIA ASI HEAD
QUARTERS JANPATH NEW DELHI-11.

+1 cc to MR.V.RAJIV RUFUS, Advocate SR.No.66674

ORDER MADE IN
W.P (MD) No.23151 of 2015
08.11.2016

CSL/CK/23.11.2016:4P/5C