

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.8.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.Nos.1009 and 1010 of 2017
C.M.P.Nos.14219 and 14220 of 2017

The Executive Director,
Food Corporation of India,
Zonal Office (South),
3 Haddows Road,
Chennai 6.

.... Appellant in both Appeals
/Respondent

Versus

R.Rajesh Kumar

.... Respondent in both Appeals
/Petitioner

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent against the order dated 6.6.2017 passed in W.P.Nos.5779 and 5780 of 2017 on the file of this court.

W.P.No.5779 of 2017 : Petition under Article 226 of the Constitution of India, praying for issue of a Writ of Mandamus, to direct the respondent to include the petitioners name in the list of candidates who appeared in group discussion/interview and who were found to be eligible in terms of advertisement No.4/2015-FCI MT and Manager (Hindi) dated 30.5.2015.

W.P.No.5780 of 2017 : Petition under Article 226 of the Constitution of India, praying for issue of a Writ of Mandamus, to direct the respondent to accept the "No Objection Certificate" issued by the petitioner's department on 17.7.2015 read with the corrigendum issued on 26.9.2016 issued by the Assistant General Manager (Personnel) for the Deputy General Manager (Region) FCI Regional Office, Raipur, Chattisgarh and consider the same to have been in petitioner's possession as on 2.7.2015 and direct the respondent to declare and disclose the written test marks group discussion marks and interview marks of the petitioner and if found eligible to select him to the post of Manager Trainee (Technical (E) South Zone).

For appellant : Mr.S.Vijayakumar

For respondent : Mr.Hari Radhakrishnan

COMMON JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and the learned counsel appearing for the Caveator/respondent.

2. It appears that the writ petitioner has moved the learned Single Judge for the following reliefs:-

"Writ of mandamus to direct the respondent to include the petitioner's name in the list of candidates who appeared in group discussion/interview and who were found to be eligible in terms of advertisement No.4/2015-FCI MT and Manager (Hindi) dated 30.5.2015; and

Writ of mandamus to direct the respondent to accept the 'No Objection Certificate' issued by the petitioner's Department on 17.7.2015 read with the corrigendum issued on 26.9.2016 issued by the Assistant General Manager (Personnel) for the Deputy General Manager (Region), FCI, Regional Office, Raipur, Chattisgarh and consider the same to have been in petitioner's possession as on 2.7.2015 and direct the respondent to declare and disclose the written test marks, group discussion marks and interview marks of the petitioner and if found eligible to select him to the post of Manager Trainee (Technical (E) South Zone."

3. The learned Single Judge in para 11 of the order, observed thus:-

"In view of the foregoing reasons, this court finds no fault on the part of the petitioner, either while applying for 'No Objection Certificate' or while receiving the same as it was issued only on 17.7.2015. In any event, since the date of possession of 'No Objection Certificate' for the departmental candidates has been fixed as 25.10.2015, which is the date of written examination, as per Clause 36, keeping in mind the fact that there are two vacancies and the petitioner is placed at Sl.No.3 of the waiting list, this court directs the respondent to consider the case of the petitioner, if the candidates at S.Nos.1 and 2 have not joined duty. It is needless to mention that if there is any alteration in the waiting list of candidates due to availability of any future vacancy, the respondent shall consider the case of the petitioner, in terms of his rank in the waiting list."

4. The matter relates to selection of candidates for the post of Management Trainee(MT) and Manager(Hindi) in the

appellant Corporation. It is submitted by the learned counsel appearing for the appellant that the persons who are at serial numbers 1 and 2 have not at all been issued with the order/notice directing them to report for duty and the petitioner is the person standing at serial number 3.

5. In that view of the matter, it is for the authority to take immediate steps to issue the appointment orders to the eligible candidates, without any further delay and only in the event of expressing non willingness to join for duty, in writing, by the candidates at Sl.Nos.1 and 2, then only the present writ petitioner may be considered in accordance with law for the vacant post as a consequence of non-reporting for duty by candidates at Sl.No.s1 and 2. We also make it clear that if any mischief is tried to be played to avoid the candidates at Sl. Nos.1 and 2 from joining duty and thereby to create vacancy, then the matter will be viewed seriously. Accordingly, the writ appeals are disposed of. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssk.

To:

The Executive Director,
Food Corporation of India,
Zonal Office (South),
3 Haddows Road,
Chennai 6.

+2cc's to Mr.S.Vijayakumar, Advocate, S.R.Nos.62130 & 62131

+1cc to Mr.Hari Radhakrishnan, Advocate, S.R.No.62053

W.A.Nos.1009 & 1010 of 2017

KK(CO)
CA(13/10/2017)