

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2017

CORAM:

THE HONOURABLE Mr. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE Mr. JUSTICE G.JAYACHANDRAN

W.A Nos.355 and 356 of 2014

P.Elumalai

...Appellant in
W.A.No.355/2014

K.Ramesh Kumar

...Appellant in W.A.No.356/2014

Vs

- 1.The Chairman
Chennai Port Trust
Administrative Office,
Rajaji Salai, Chennai - 600 001.
- 2.The Finance and Chief Accounts Officer,
Chennai Port Trust
Administrative Office,
Rajaji Salai, Chennai - 600 001.
- 3.The Secretary,
Ministry of Shipping and Road Transport,
Highways, No.1 Sansad Marg,
New Delhi - 110 001.

4.G.Joby

5.N.Kandan

6.M.Riaz

7.P.Paneer Selvam

...Respondents in
both Appeals

Prayer:- Writ Appeals filed under clause 15 of the Letter Patent against the order dated 25.11.2013 made in W.P.Nos.30402 and 30403 of 2008 respectively.

Prayer in Writ petition: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd Respondent in Estt(R)2/6991/2005/A styled as memo dated 28.07.2005 and quash the same insofar as it places the petitioner at Serial No 5 instead of Serial No 1 Serial No:6, instead of Serial No :2 for the post of Assistant Stock Verifier notified on 18.07.2006 and consequently direct the 1st Respondent to place the Petitioner at Serial No 1 & 2.

For Appellant
(in both Appeals) : Mr.Balan Haridas

For R1 and R2 : M/S.AAV Partners
For R3 to R3 : Notice served no appearance
(in both Appeals)

C O M M O N J U D G M E N T

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

These two writ appeals are directed against the common order dated 25.11.2013 in W.P.Nos.30402 and 30403 of 2008, dismissing the writ petitions filed by the appellants, to quash the memo dated 28.07.2006 and the consequential direction to place them at Serial Nos.1 and 2 instead of Serial Nos.5 and 6 respectively, for the post of Assistant Stock Verifier.

2. Heard the learned counsel for the appellants and the learned counsel on behalf of respondents 1 and 2.

3. The appellants were appointed as Junior Assistants in Chennai Port Trust on 28.02.1997 and 05.03.1997 respectively. When the first respondent invited applications from the employees for the post of Assistant Stock Verifier, the appellants participated in the selection process and got selected and based on the marks obtained by them in the oral interview, they were placed at Serial Nos.5 and 6 respectively. According to the appellants, even though they were senior to other candidates, they were not placed in the list of selection as per the seniority and they were ranked below in the selection list. Therefore, the appellants filed writ petitions, challenging their seniority and the said writ petitions were dismissed by the learned single Judge. Challenging the common order passed by the learned single Judge, the appellants are before us with these writ appeals.

4. The learned counsel for the appellants contended that the learned single Judge erred in holding that the appellants having participated in the selection process and got selected, cannot now question the marks awarded by the Selection Committee. The learned single Judge failed to take into account the arbitrary manner in the award of marks by the Selection Committee. Therefore, the order passed by the learned single Judge is liable to be quashed.

5. The learned counsel for respondents 1 and 2, on the other hand, contended that the candidates were selected based on their performance in the oral interview conducted by the

Standing Selection Committee and seniority of the candidates was fixed in the post of Assistant Stock Verifier, based on the marks secured by them. The appellants, having participated in the selection and got selected, cannot dispute the marks awarded by the Selection Committee at this point of time and the writ appeals are liable to be dismissed.

6. It appears that 50% marks have been fixed for qualification, 25% marks for experience and 25% marks for oral interview. It is the stand of the appellants that although they have rendered long years of service in the Accounts Department and in the combined service, other candidates with less number of years of service, have been awarded more marks for experience. Further more, according to the appellants, they have been awarded only 10 marks for personality and performance in the interview, whereas, two other candidates have been awarded full marks of 25. The Selection Committee is empowered to award marks to candidates based on their individual performance, conduct and others characteristics in the oral interview. There is no dispute that awarding of marks is a matter of discretion of the Selection Committee. The Selection Committee, had considered the individual case of the candidates and awarded marks. The appellants, having participated in the selection and got selected, cannot now challenge the seniority fixed by the Selection Committee. We do not find any reason to deviate from the reasoning given by the learned single Judge.

7. The writ appeals are dismissed. No costs. However, there is no order as to costs.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1.The Chairman

Chennai Port Trust, Administrative Office,
Rajaji Salai, Chennai - 600 001.

2.The Finance and Chief Accounts Officer,

Chennai Port Trust
Administrative Office,
Rajaji Salai, Chennai - 600 001.

3.The Secretary,
Ministry of Shipping and Road Transport,
Highways, No.1 Sansad Marg,
New Delhi - 110 001.

+2 CCs to M/S.AAV Partners, Advocate sr 49239,49238
+1 CC to Mr.Balan Haridas, Advocate sr 49062

W.A Nos.355 and 356 of 2014

SP(02/08/2017)



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