

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13888 of 2017

S.Manivannan

... Petitioner

-Vs-

1. The Director/Commissioner  
Directorate of Technical Education  
Guindy, Chennai 600 025

2. The Vice Chancellor/The Chairman  
Governing Council  
Annamalai University  
Muthiah Polytechnic College  
Annamalainagar, Chidambaram  
Cuddalore District 608 002

3. The Principal  
Muthiah Polytechnic College  
Annamalainagar, Chidambaram  
Cuddalore District 608 002

4. V.Ravichandran

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 & 2 to appoint the petitioner to the post of Junior Draughting Officer at the 3<sup>rd</sup> respondent Polytechnic based on his representations dated 09.12.2016, 09.01.2017, 17.01.2017, 28.01.2017, 09.03.2017, 21.03.2017.

For Petitioner : Mr.S.Kumara Devan

For Respondents : Mr.P.Sanjay Gandhi  
Additional Government Pleader  
for R1  
Mr.K.Sathishkumar for R2 & 3

ORDER

The petitioner has come to this Court seeking issuance of a writ of mandamus, directing the respondents 1 & 2 to appoint the petitioner to the post of Junior Draughting Officer in the third respondent Polytechnic based on his representations dated 09.12.2016, 09.01.2017, 17.01.2017, 28.01.2017, 09.03.2017, 21.03.2017.

2. The petitioner, having passed XII Standard during 1980, obtained the National Trade Certificate during 1983. Again he claims to have passed the National Apprenticeship Certificate examination during 1985. With these qualifications, he was appointed as a Lab Assistant in the third respondent Polytechnic on 13.6.90. Again, after passing the Diploma course in Electrical and Electronics Engineering (Part-time) on 2.12.94, he secured the B.E.Degree in Electrical and Electronics Engineering (Part-time) with First Class on 11.12.2002. Thereafter, the petitioner was appointed to the post of Workshop Instructor for the Foundry, Welding and Plumbing departments, as per the order of appointment dated 22.12.2014. In the meanwhile, the third respondent has published an advertisement bearing No.517/A1/2016 dated 14.10.2016 inviting applications from the eligible candidates-General Turn OC/BC/MBC&DC-SC/SCA/ST with Electrical and Electronics Engineering for the post of Junior Draughting Officer. Although the petitioner, the fourth respondent and other candidates attended the interview, the fourth respondent was finally selected. Therefore the grievance of the petitioner is that when the fourth respondent is five years junior to him in the service, by misusing his power, he got selected to the said post. Therefore, he made the representations aforementioned and as there was no response, he has come to this Court.

3. This Court is not able to find any justification for the petitioner to come to this Court seeking issuance of a mandamus to the respondents 1 & 2 to consider his representations. The reason is that when the petitioner has clearly admitted in the affidavit filed in support of the writ petition that the fourth respondent was already selected and appointed to the post of Junior Draughting Officer, without even challenging the correctness of the appointment order given to the fourth respondent, he cannot press the prayer sought for in the writ petition. Therefore, the writ petition fails and it is dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Director/Commissioner  
Directorate of Technical Education  
Guindy  
Chennai 600 025

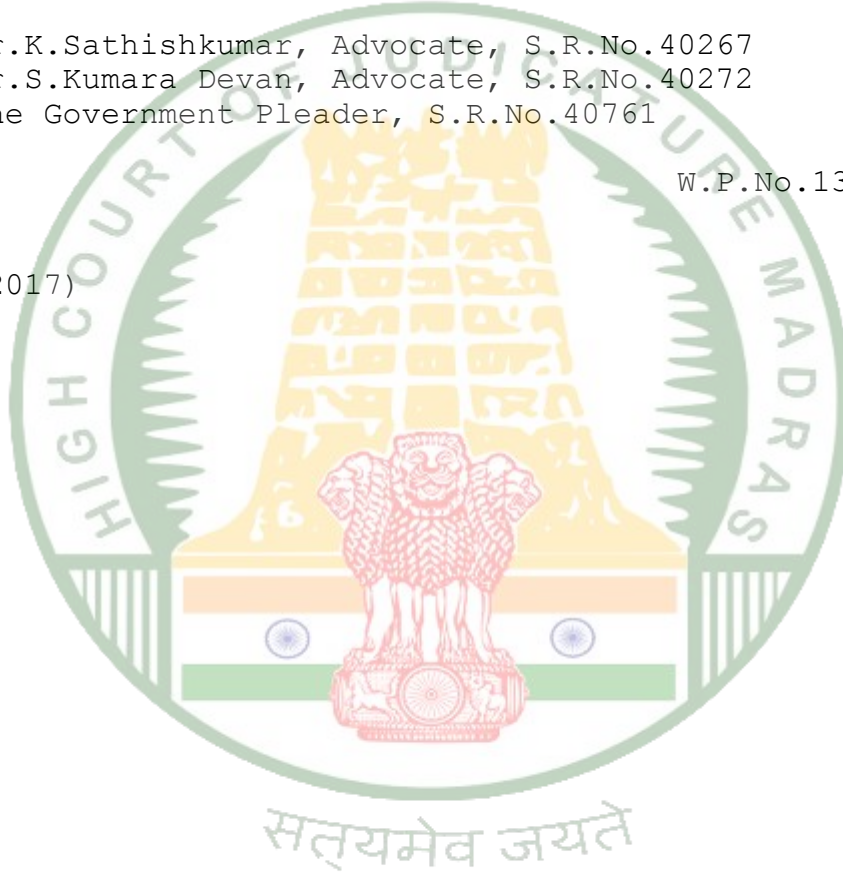
2. The Vice Chancellor/The Chairman  
Governing Council-Annamalai University  
Muthiah Polytechnic College  
Annamalainagar, Chidambaram  
Cuddalore District 608 002

3. The Principal  
Muthiah Polytechnic College  
Annamalainagar, Chidambaram  
Cuddalore District 608 002

+1cc to Mr.K.Sathishkumar, Advocate, S.R.No.40267  
+1cc to Mr.S.Kumara Devan, Advocate, S.R.No.40272  
+1cc to the Government Pleader, S.R.No.40761

W.P.No.13888 of 2017

LRS (CO)  
CA(23/06/2017)



WEB COPY