

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30312 of 2015

and

M.P.No.1 of 2015

K.P.Ramesh

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Thiruvannamalai Region,
Thiruvannamalai.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to appoint the petitioner as Reserve Crew pursuant to the provisional selection order dated 25.03.2015 within a reasonable time.

For Petitioner : Mr.P.Venkatraman
For Respondent : Mr.P.Kannan Kumar

O R D E R

The relief sought for in this writ petition is for a direction to the respondent to appoint the petitioner as Reserve Crew, pursuant to the provisional selection order dated 25.3.2015 within a reasonable time.

2. The learned counsel appearing for the writ petitioner submits that the petitioner is eligible for an appointment to the post of Reserve Crew and he accordingly submitted his application for appointment. He was called for an interview and he attended on 16.12.2014. On production of the certificates before the interview committee, he was selected and an order of provisional selection was issued by the respondent in proceedings dated 25.3.2015. Accordingly, the writ petitioner should produce No Objection Certificate from the police department, however, he has not produced the same and when he made an application for seeking No Objection Certificate, the

Additional Superintendent of Police, Tiruvannamalai District, issued a certificate stating that a criminal case was registered against the writ petitioner by Tiruvannamalai Village Police Station, Tiruvannamalai in Crime No.241 of 2013, under Sections 147, 148, 341, 435, 307 IPC @ 302, 201 r/w the Explosive Substances Act and Section 4 of PPD Act, the writ petitioner was arrayed as eighth accused in the criminal case and he was arrested on 7.5.2015 and sent to judicial custody. Thus, the No Objection Certificate was refused. Hence, the writ petitioner has not turned for joining duty.

3.The learned counsel appearing for the writ petitioner submitted the brief history relating to Crime No.241 of 2013, which is signed by the Inspector of Police, Tiruvannamalai Village Police Station, Tiruvannamalai, shows that the name of the writ petitioner is found and therefore, it is clear that the writ petitioner was arrested on account of registration of criminal case in Crime No.241 of 2013 and the case is pending for trial. Thus, there is no reason to consider the prayer as such sought for in this writ petition.

4. Appointment can never be claimed as a matter of legal right and the mere provisional selection will not confer any right on the writ petitioner to seek appointment. Further, the pendency of a criminal case is certainly a bar for public appointment. This apart, during the pendency of the criminal case, the provisional selection order was issued and the writ petitioner was unable to produce the No Objection Certificate from the police department. The Additional Superintendent of Police, Tiruvannamalai, also clarified that the writ petitioner is an accused in a criminal case and therefore, he is not eligible to seek public appointment.

5.Thus, it is a case where the writ petitioner was selected provisionally and he was facing a criminal case at the time of selection and accordingly, he is not eligible for any public employment. Under these circumstances, this Court is not inclined to consider the ground raised in this writ petition. At this point of time, the learned counsel appearing for the writ petitioner made a request for withdrawal of the writ petition. Accordingly, permission is granted and the writ petition stands dismissed as withdrawn. Consequently, connected miscellaneous petition is closed. However no order as to costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

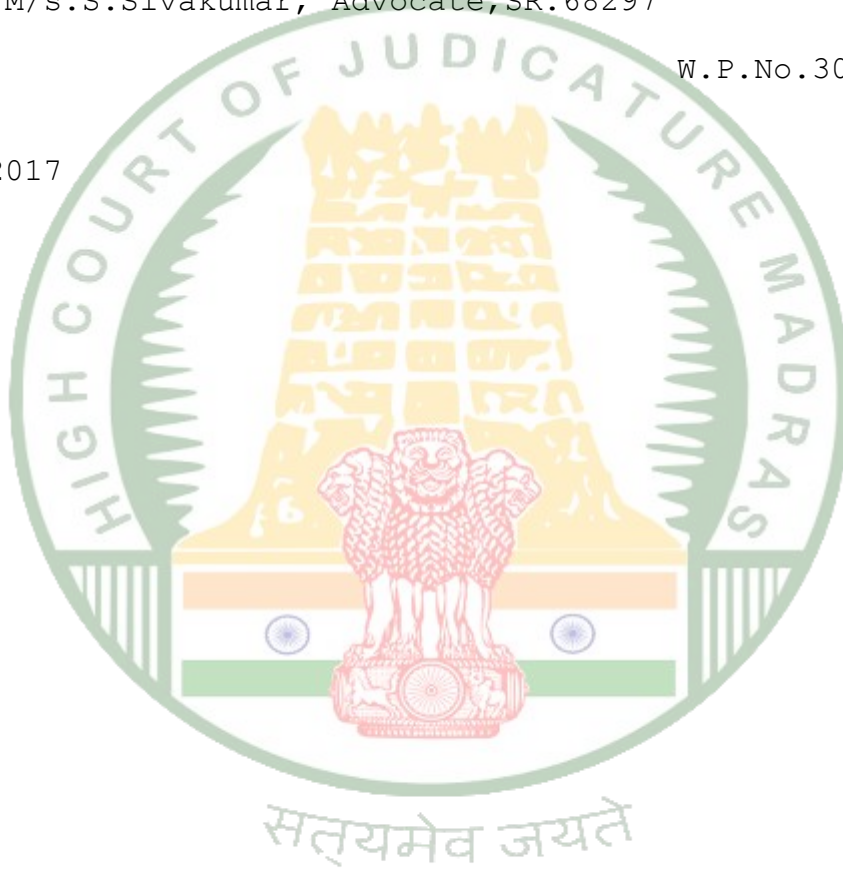
The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Thiruvannamalai Region,
Thiruvannamalai.

+ 1 cc to Mr.P.Kannan Kumar, Advocate, SR.68124

+ 1 cc to M/s.S.Sivakumar, Advocate, SR.68297

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SV(CO)
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