

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 8000 of 2011
& M.P.Nos.1 & 2 of 2011

M.Senthil Kumar

.. Petitioner

Vs.

- 1.The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 02.
 - 2.The Joint Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 002.
 - 3.The Deputy Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 002.
 - 4.The Transport Commissioner,
Chepauk, Chennai - 600 005.
 - 5.A.S.Senthilram
Regional Transport Officer, Chennai (S-W)
- .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus or order or direction in the nature of a writ calling for the records relating to the proceedings in No.6204/APD-E1/R1D1/2009 dated 25.01.2010 on the file of the 2nd respondent confirming the information given by the 3rd respondent in MEMO no.6204/APD-E1/R1D1/2009 dated 30.11.2009 quash the same and direct the respondents 1 to 4 to appoint the petitioner as Motor Vehicle Inspector Grade II (2001-2006) as per Notification No.107 dated 18.04.2007 on the file of the 1st respondent based upon the re-verification report forwarded by the Transport Commissioner, Chennai in his Letter No.50267/T3/2010, dated 21.12.2010 to the Tamil Nadu Public Service Commission.

For Petitioner : M/s.S.Doraisamy
For RR1 to 3 : Dr.M.Devendran
For Respondent 4 : Mr. S.Diwakar,
Special Govt. Pleader
For Respondent 5 : Mr.A.Chandrasekar

O R D E R

Heard M/s.S.Doraisamy, learned counsel appearing for the petitioner, Mr.M.Devendran, for respondents 1 to 3, Mr. S.Diwakar, learned Special Government Pleader appearing on behalf of the respondent 4 and Mr.A.Chandrasekar, appearing for the respondent 5.

2. The petitioner has filed this Writ Petition before this Court challenging the proceedings No.6204/APD-E1/R1D1/2009 dated 25.01.2010 on the file of the 2nd respondent confirming the information given by the 3rd respondent in MEMO no.6204/APD-E1/R1D1/2009 dated 30.11.2009, quash the same and direct the respondents 1 to 4 to appoint the petitioner as Motor Vehicle Inspector Grade II (2001-2006) as per Notification No.107 dated 18.04.2007 on the file of the 1st respondent.

4. The learned counsel for the petitioner has contended that the 1st respondent has issued Notification No.107 calling for the applications for the direct recruitment for the post of Motor Vehicle Inspector Grade II (2001 - 2006). The petitioner fully qualified and eligible for the said post, since his Educational qualification is Diploma in Mechanical Engineering (3 years course) and he had the required experience of having worked for a period not less than one year in respect of the vehicles fitted with petrol engines and the vehicles fitted with diesel engines. Therefore, the petitioner's total experience is 1 year and 7 months, apart from all other requirements.

5. The petitioner preferred an application and appeared for the examination on 29.07.2007, but he was not selected for the oral test in July 2009. Except the petitioner's mark in written examination, other candidates marks including those not selected for oral test were published online. Hence, the petitioner preferred an application on 29.09.2009, seeking to the respondent to furnish the details as to why he was not selected and why his marks were not listed. The 3rd respondent gave a reply on 30.11.2009 stating that the petitioner had not possessed the workshop experience as prescribed in para 5(b) (iii) and explanation under para 5(B) of the notification dated 18.04.2007, against which the petitioner filed a Writ Petition in W.P.No.4480 of 2010, which was dismissed on 08.06.2010. Therefore, the petitioner preferred a Writ Appeal in W.A.No.1392 of 2010, which was also dismissed by this Court. The petitioner made a representation to the Chief Minister's Special Cell, which was forwarded to the Transport Commissioner, Chennai, directing the Transport Commissioner to check whether the experience certificate submitted by the petitioner is genuine or not. The Regional Transport Officer, Coimbatore has certified that the petitioner had a total experience of 1 year and 7

months and this can be considered as experience for the post of Motor Vehicles Inspector Grade II. The Transport Commissioner, Chennai has forwarded the re-verification reports to the Government as well as to the Tamil Nadu Public Service Commission, but no order was passed. Therefore the petitioner has filed this Writ Petition.

6. The learned counsel for the respondents has submitted that the petitioner's application for the post of Motor Vehicles Inspector, Grade-II in Tamil Nadu Transport Subordinate Service(2001-2006), had been provisionally admitted. Later, his application was rejected for the reason that he has not possessed the workshop experience as prescribed in para 5(B) (iii) and Explanation under para 5(B) of the Commission's Notification dated 18.04.2007.

7. The petitioner applied under the BC-General category for the post of Motor Vehicles Inspector, Grade-II in Tamil Nadu Transport Subordinate Service(2001-2006) and obtained 166.50 marks. The cut off mark of the last candidate admitted to Oral Test are as follows:

Cut off mark of the BC candidate admitted to Oral Test			
Name	Communal Category	Registration No.	Cut-off Mark
Senthil	Backward Class General	00172042	195.00
Alagesan	Backward Class (Woman) Substituted with men due to paucity of qualified women candidate.	00111004	193.50

Therefore, the petitioner is not eligible for admission to Oral Test, as he has not reached the Zone of selection for admission to Oral Test. Moreover, the Division Bench has already dismissed the Writ Appeal No.392 of 2010 filed by the petitioner on the basis of non-joining of selected candidates. Therefore, the Writ Petition is liable to be dismissed.

8. In view of the submission of both parties, it is seen that the petitioner has applied for the post of Motor Vehicle Inspector Grade II. As the petitioner had no prescribed experience, he was not called for oral test, against which the petitioner filed a Writ Petition in W.P.No.4480 of 2010, which was dismissed. Therefore, the petitioner preferred a Writ Appeal in W.A.No.1392 of 2010 which was also dismissed by this Court. Subsequently, he gave representation to Chief Minister's cell and the same was forwarded to the Transport Commissioner to find out the genuineness of the experience Certificate. The Regional

Transport Officer, Coimbatore has certified that the petitioner had a total experience of 1 year and 7 months and this can be considered as experience for the post of Motor Vehicles Inspector Grade II. The Transport Commissioner, Chennai has forwarded the re-verification reports to the Government as well as to the Tamil Nadu Public Service Commission.

The said report was considered by the committee and submitted its explanation that the petitioner is not in the zone of selection to the post of Motor Vehicle Inspector Grade II. The petitioner has obtained cut off mark of 166.50, whereas the cut off mark for the Backward Class General of the last candidate admitted to Oral Test was 195.00. Therefore, the petitioner is not eligible for admission to oral test, as he is not in the zone of consideration for admission to oral test. In view of the above fact, the Writ Petition is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 02.
- 2.The Joint Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 002.
- 3.The Deputy Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 002.
- 4.The Transport Commissioner,
Chepauk, Chennai - 600 005.
+1cc to M/S. M. Devendran, Sr. 1374
+1cc to Government Pleader Sr. 2072
+1cc to M/S.S. Doraisamy, Sr. 1562 dt. (16/03/2017)

W.P. No. 8000 of 2011
& M.P.Nos.1 & 2 of 2011

NR(CO)
VR(15/03/2017)