

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :04.12.2017
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.22796 of 2010

V.Madhavan Babu

..Petitioner

vs

The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 002.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 27.09.2010 by declaring the results for the post of Motor Vehicles Inspector Grade-II Examination held on 24.5.2009 to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu
For Respondents : Dr.M.Devendran

O R D E R

The relief sought for in this writ petition is for a direction to the respondent to consider the representation of the petitioner dated 27.09.2010 by declaring the results for the post of Motor Vehicles Inspector Grade-II Examination held on 24.5.2009.

2.The learned counsel appearing for the writ petitioner states that the writ petitioner is a Graduate in Mechanical Engineering and completed the degree in the year 1998 in Annamalai University and further, he completed P.G.Diploma in Automobile Maintenance and worked as Supervisor in VST Service Station, Cuddalore for a period of three years from 02.05.2005 to 24.03.2009. The writ petitioner submitted an application pursuant to the notification issued by the respondent for recruitment to the post of Motor Vehicle Inspector Grade -II and Grade -I. Though the writ petitioner has participated in the process of selection, his results were not declared by the respondent. Due to the same, he was constrained to move this writ petition under Article 226 of the Constitution of India, for a direction to the respondent to consider his representation dated 27.09.2010 for the declaration of his results.

3.The learned counsel appearing on behalf of the respondent states that the writ petitioner, no doubt had submitted his application for recruitment to the post of Motor Vehicle

Inspector Grade -II and Grade -I and participated in the process of selection, the education and other qualifications prescribed in Paragraph.4(B) of the notification as under:

"4(B). "Candidates should possess the following or its equivalent qualifications on the date of this Notification. Viz.24.02.2009.

(I) Minimum General Educational Qualification (as defined in paragraph 7 of Commission's "Instructions.Etc to Candidates").

AND

(II) A Diploma in Automobile Engineering (3 years course) or a Diploma in Mechanical Engineering (3 years course) awarded by the State Board of Technical Education and Training, Tamil Nadu.

AND

(III) Experience of having worked for a period of not less than one year both on vehicles fitted with Petrol Engines and Vehicles fitted with Diesel Engines on a full time basis in an Automobile workshop which undertakes repairs of Light Motor Vehicles, Heavy Goods Vehicles and Heavy Passenger Motor Vehicles.

AND

(IV) Must hold a Driving License Authorizing him to drive Motor Cycle Heavy Goods Vehicles and Heavy Passenger Motor Vehicles.

AND

(V) Must have experience in driving Heavy Transport Vehicles for a period of not less than six months.

Provided that other things being equal, preference shall be given to those who possess Post Diploma in Automobile Engineering awarded by the State Board of Technical Education and Training, Tamil Nadu.

(Details regarding equivalence of qualifications are given in paragraph 9 of the Commission's Instructions etc. to candidates')

EXPLANATION:- "Automobile workshop" shall mean

(A) An Automobile workshop owned by the Government or the State Transport Corporation.

OR

(B) An Automobile workshop recognized or approved or certified by the Transport Commissioner or the Director, Motor Vehicles Maintenance Department for carrying out all kinds of repairs."

4.The written examination was conducted on 24.05.2009 at Chennai and the oral test was conducted on 07.10.2010 and on 08.10.2010. The list of selected candidates was drawn up based on the marks obtained by the candidates in the written

examination and the oral test taken together and with reference to the rule of reservation for appointments. Thereafter, the application of all the candidates including that of the petitioner were subjected for scrutiny, more specifically, in respect of educational qualifications, practical experience etc., possessed by the respective candidates. The claims of the candidates with regard to the practical experience, the same were referred to the Transport Commissioner, Chennai - 5 for verification and to authenticate the genuinity and the validity of the experience certificates produced by the respective candidates. The petitioner had enclosed along with the application, experience certificate obtained from ENNORE FOUNDRIES LTD., ENNORE in which he gained workshop experience for the period from 02.01.2001 to 01.01.2002 and V.S.T. SERVICE STATION (CUDDALORE), KONDUR POST, CUDDALORE, in which he gained workshop experience for the period from 02.05.2005 to 24.03.2009. Both the experience certificates were referred to the Transport Commissioner for verification of the genuineness of the same. The Transport Commissioner had sent the report, which states as follows in respect of the Petitioner:-

"1.ENNORE FOUNDRIES LTD.ENNORE:

"Technician Apprenticeship from 02.01.2001 to 01.01.2002. Yes, approved workshop. Major and Minor repairs - No, worked in castings Quality assurance. Repairs attended for petrol and diesel vehicles - No records available in the company. The genuineness of training undergone by the applicant could not be ascertained".

2.V.S.T SERVICE STATION, CUDDALORE:

"Not approved by the Government. Approved by the TELCO Vehicle Service, maintenance and repairs of the Heavy and Light Motor Vehicles fitted with diesel and petrol engine. Lathe, drilling machine, welding machine, spray painting, Hydraulic Ramp. Attendance register maintained. Workshop experience possessed by the candidate may be considered as equivalent to the practical experience prescribed for the post. The applicant is eligible. Recommended".

2005-2008 The said workshop (V.S.T.Service Station, Cuddalore) is NOT found in the Approved workshop list. Therefore, it is not an approved workshop by MVMD."

5.The committee scrutinized the report of the Transport Commissioner and decided that the workshop experience possessed by the petitioner cannot be accepted as the petitioner does not possess the required one year automobile experience in the major approved workshop. Therefore, the application of the petitioner was rejected. It is contended that admission to the written examination and oral test is subject to the verification of all the certificates including educational certificates as well as

the experience certificates when the experience certificate produced by the writ petitioner is not in accordance with the prescribed qualifications, prescribed in the notification, there is no reason to interfere with the decision taken by the respondents not to select the writ petitioner.

6. In this view of the matter, this Court is of the opinion that the relief as such sought for, deserves no merit consideration. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

kak

Sd/-

Assistant Registrar(CS VII)

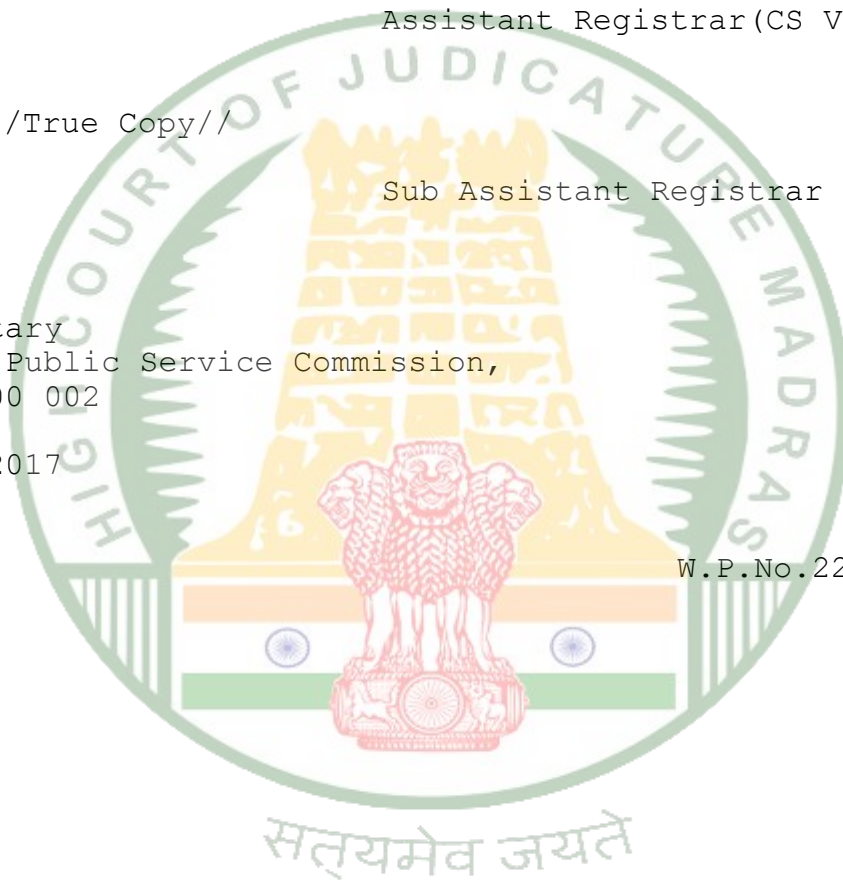
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Sub Assistant Registrar

To
The Secretary
TamilNadu Public Service Commission,
Chennai 600 002

sm:18.12.2017

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