

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.37888 of 2007

1.M.Saktivel

2.P.Pounniacody

3.P.Arumugam Petitioners

Vs

1. The Secretary,
Department of Home Affairs,
Government of Puducherry,
Puducherry, representing Union of India

2. The Superintendent of Police,
Police Department,
Government of Puducherry,
Puducherry.

3. The Registrar,
Central Administrative Tribunal,
Chennai Bench,
Chennai 600 104.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for records related to Order in O.A.No.656/07 dated 02.11.2007 passed by the third respondent and quash the same and allow the said OA.

For Petitioners : M/s P.V.S.Giridhar Associates

For RR1 and 2 : Mr.R.Syed Mustafa,
Special Government Pleader
(Puducherry)

O R D E R

K.K.SASIDHARAN, J.

The challenge in this writ petition is to the order dated 02 November 2007 dismissing the original application filed by the petitioners in O.A.No.656 of 2007.

2. Heard the learned counsel for the petitioners and the learned Special Government Pleader on behalf of the Union Territory of Puducherry.

3. The petitioners were sponsored by employment exchange for appointment to the post of part-time Sanitary Assistant. It is the grievance of the petitioners that after their interview, the respondents changed the selection process and by conducting a mock interview, a select list was prepared and thereafter, appointed 47 Sanitary Assistants. Since there was a change of selection process midway, the petitioners challenged the select list.

4. The Central Administrative Tribunal accepted the explanation given by the respondents and dismissed the original application. It is the said order, which is challenged in this writ petition.

5. The prayer in the original application was to grant a declaration that the select list dated 29 August 2007 published in Daily Thanthi dated 30 August 2007 is invalid and illegal. However, the fact remains that none of the 47 select candidates were made parties to the original application. There is no question of considering the legality and correctness of the select list, unless the selected candidates are made as parties to the lis. We are therefore, of the view that the Tribunal was correct in dismissing the original application. Though the Tribunal has given its own reasons for dismissing the original application, we confirm the final order only on account of the failure on the part of the petitioners to implead the selected candidates.

In the upshot, we dismiss the petition. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gms/lok

To

1. The Secretary, Union of India
Department of Home Affairs,
Government of Puducherry,
Puducherry.

2. The Superintendent of Police,
Police Department,
Government of Puducherry,
Puducherry

3. The Registrar,
Central Administrative Tribunal,
Chennai Bench,
Chennai 600 104

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SCD (CO)
CA (17/04/2017)



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