



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.809 of 2017
and C.M.P. (MD) No.5646 of 2017

D.Madhialagan : Appellant /Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
Bye Pass Road, Madurai.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Tirunelveli Division,
Vannarpettai,
Tirunelveli District.

: Respondents /Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order passed in W.P.(MD)No.10610 of 2008 dated 08.06.2016.

Prayer in WP(MD). 10610/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondnet in pursuant to the impugned Letter No. 4402/Niya2/Tha.A.Po,ka./Tli/2008-1 dated 23/06/2008d and quash the sme as illegal and consequently direct the respondents to consider the petitioner's case for appointment to the post of Bus Conductor in the 2nd respondent corporation forthe year 2007-08, withint the time that may be stipulated by this Honourable Court.

For Appellant : Mr.G.Thalaimutharasu

For Respondents : Mr.K.Sathya Singh
Standing Counsel

**JUDGMENT**

[Judgment of the Court was made **T.S.SIVAGNANAM, J.**]

Heard Mr.G.Thalaimutharasu, learned counsel appearing for the appellant and Mr.K.Sathya Singh, the learned Standing Counsel appearing for the respondents.

2.The appellant filed this appeal before this Court against the order dated 08.06.2016, made in W.P.(MD)No.10610 of 2008, by which the appellant's writ petition was dismissed, wherein he challenged the proceedings of the second respondent dated 23.06.2008, by which the appellant's candidature for selection to the post of Bus Conductor was rejected.

3.The learned counsel for the appellant would submit that the respondent management had placed voluminous set of documents before the Writ Court and the appellant had no opportunity to go through the same and make out the relevant points in his favour and only after the appeal was dismissed, the appellant come to know that ineligible persons were selected and those persons who have failed in the physical fitness were also selected. Thus, according to the appellant/writ petitioner those facts could not be placed before the the Writ Court.

4.If that be the arguments put forth by the appellant, then the appellant has to approach the Writ Court by way of review petition and not by way of writ appeal, canvassing new set of points, which was never placed before the Writ Court.

5.Therefore, this Writ Appeal is disposed of with liberty to the appellant to file review petition as against the impugned order. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
Bypass Road, Madurai.



2.The General Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Tirunelveli Division,
Vannārpettai, Tirunelveli District.

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+1 cc to MR.G.Thalai Mutharasu, Advocate in SR.No. 62741

Is

AE/MR/KKR/SAR2/07.07.2017/3P/4C

**JUDGMENT MADE IN
W.A. [MD] .No.809 of 2017
and C.M.P. (MD) No.5646 of 2017
29.06.2017**