

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25-10-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10647 of 2013

R.Badushah

.. Petitioner

..Vs..

1.District Collector,
Vellore District,
Vellore.

2.District Employment Officer,
Sathuvachary,
Vellore.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the second respondent to sponsor the petitioner's name for the post of Driver as per the seniority.

For Petitioner : Mr.T.C.Harinath

For Respondents: Mrs.A.Shrijayanthi,
Special Government Pleader.

O R D E R

The relief sought for in the present writ petition is for a direction to direct the second respondent to sponsor the writ petitioner's name for the post of Driver as per his employment seniority.

2. The grievance of the writ petitioner is that he has completed VIII Standard and thereafter, possessed the Driving License in the year 1992. Subsequently, the writ petitioner registered his name in the Employment Exchange for getting employment. The writ petitioner states that though he registered his name in the Employment Exchange in the year 1992, he has not received any Interview Letter for the past about 23 years. Thus, the writ petitioner is constrained to move the present writ petition.

3. It is contended that one Mr.Ganesan, who has empanelled subsequent to the empanelment of the writ petitioner,

was sponsored for the post of Driver and now the said Mr.Ganesan is placed in the post of Driver in the Tamil Nadu Transport Corporation (Villupuram) Limited. This Court is of an opinion that the said contention of the learned counsel for the writ petitioner has not been substantiated nor the order of appointment of such juniors are challenged here.

4. Contrarily, the writ petitioner claims that his name should be sponsored by the District Employment Exchange. Sponsoring of the name of the eligible persons must be done only by following the Rules of seniority.

5. This apart, the learned Special Government Pleader, appearing on behalf of the respondents, brought to the notice of this Court that the maximum age limit fixed by the Transport Corporation for the post Driver is 45 years. The writ petitioner has crossed the maximum eligible age limit of 45 years fixed for the post of Driver. On 10.4.2013, i.e., on the date of filing of the writ petition, the writ petitioner was aged about 47 years and therefore, he crossed the age limit fixed for recruitment to the post of Driver.

6. As his case was not considered rightly in accordance with law, this Court is of an opinion that the names of eligible candidates are to be sponsored by the Employment Exchange strictly in accordance with their seniority and by following the Rules of Reservation. This being the factum of the case, the writ petitioner has not established any legal right to sponsor his name for appointment to the post of Driver in the Transport Corporation. Thus, no further adjudication is required to be undertaken on the grounds raised in this writ petition.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn

To

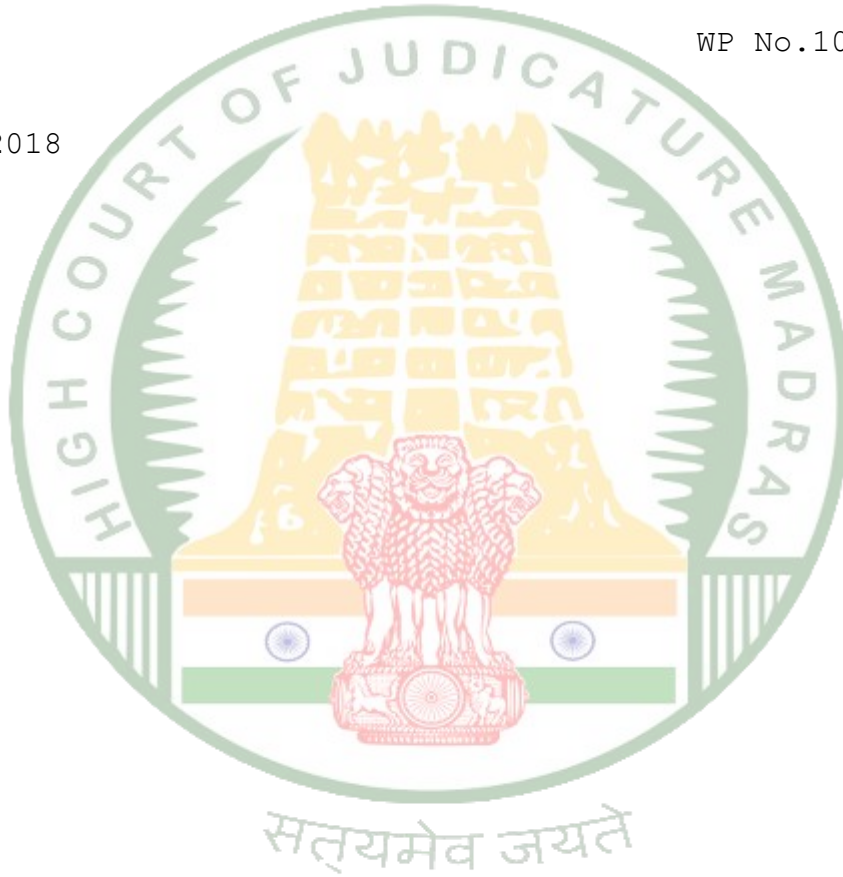
1.District Collector,
Vellore District,
Vellore.

2.District Employment Officer,
Sathuvachary,
Vellore.

+1cc to Government Pleader sr.no.73508

WP No.10647 of 2013

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