

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.1216 of 2018
and
C.M.P.No.9914 of 2018

A.Ansar Babu ... Appellant/Petitioner

-vs-

The Tamil Nadu Public Service Commission,
rep.by its Secretary
Frazer Bridge Road
V.O.C.Nagar
Park Town, Chennai-600 003. ... Respondent/Respondent

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.13702 of 2018 dated 07.06.2018.

Petition filed under Article 226 of the Constitution of India this issue a Writ of Certiorarified Mandamus for the Calling for the records relating to the impugned order of the respondent herein rejecting the petitioners application No.803000570 downloading in website dt.4.6.2018 and quash the same and direct the respondent herein to permit the petitioner to participate in the selection process for the post of Motor Vehicle Inspector Gr.II (Post Code 2119) pursuant to notification No.03/2018 dated 14.02.2018.

For Appellant :: Mr.AR.L.Sundaresan, Sr.Counsel
for Ms.A.L.Gandhimathi

For Respondent :: Mr.M.Loganathan

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The appellant herein filed a writ petition before this Court in W.P.No.13702 of 2018 for setting aside the rejection of the appellant's application on 04.06.2018, downloaded from the website and for a direction to permit him to participate in the selection process for the post of Motor Vehicle Inspector Grade-

II, pursuant to the Notification No.03/2018 dated 14.02.2018. The learned single Judge has rejected the writ petition on 07.06.2018 on the ground that the appellant's license was valid only upto 2008 and the same is not in terms of the advertisement and as such it cannot be said that the appellant was possessing the requisite qualification as regards driving license, as prescribed in the advertisement. Challenging the said order, the appellant has come up with this appeal.

2. When this appeal came up today, the learned counsel for the respondent-Tamil Nadu Public Service Commission has submitted that the appeal itself has become infructuous since the examination for the said post has already been conducted on 10.06.2018. He also submitted that the impugned order passed by the learned single Judge does not require any interference, as the appellant was not possessing the requisite qualification at the relevant point of time.

3. The learned senior counsel appearing for the appellant has submitted that the appellant was possessing the driving license valid upto 2008, but instead of renewing the same, the authorities have issued a fresh driving license without taking into consideration the original date of issuance of the license, and due to the same, the possession of the driving license by the appellant much earlier to 2008 had not been taken into consideration thus leading to disqualification of the appellant.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Since the examination for the post of Motor Vehicle Inspector Grade-II in question, has already been over on 14.02.2018, the matter has become infructuous. But however, we clarify that it is for the authorities to verify the contention of the appellant that he was possessing driving license much earlier than 2008 and if the said contention is found to be true, the same shall be taken note of for future selection process and in that circumstance, there would be no impediment for the appellant to participate in the future selection process for the above post.

6. With the above observation, the writ appeal is disposed of. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS IV)

//True copy//

Sub Assistant Registrar

KM

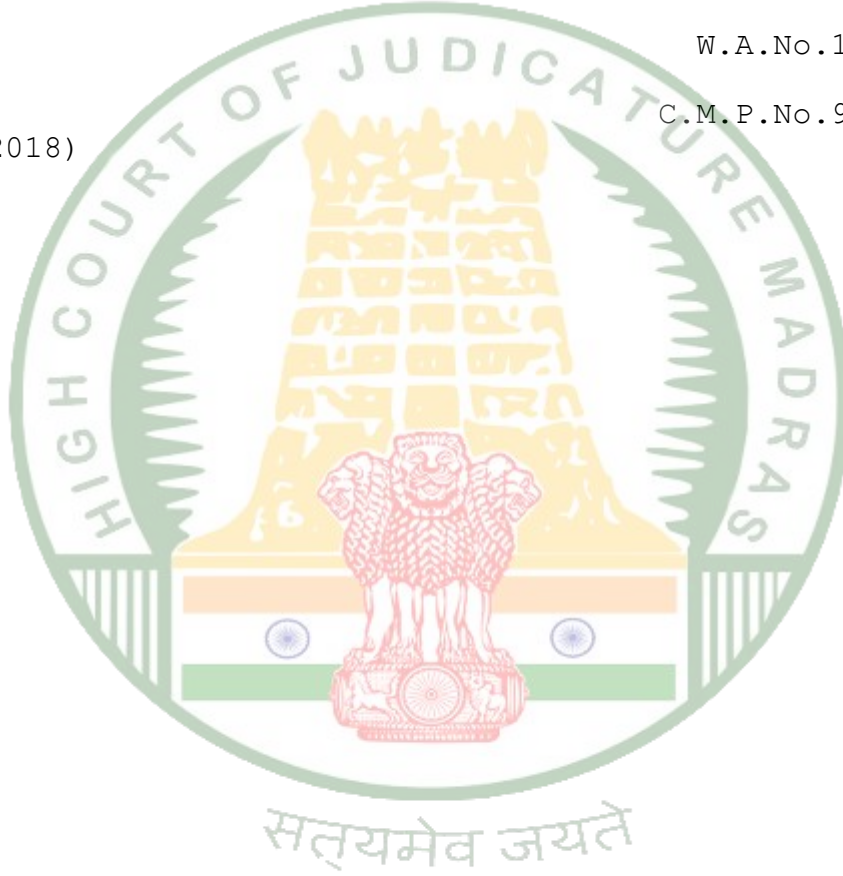
To

The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road
V.O.C.Nagar
Park Town, Chennai-600 003.

+lcc to Mr.M.Loganathan, Advocate SR.No.40339
+lcc to Mrs.A.L.Gandhimathi, Advocate SR.No.41051

GN(16/07/2018)

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