

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.11.2018
CORAM
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
W.P.No.2557 of 2011

Rajendran

.. Petitioner

vs.

1.The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Coimbatore.

2.The District Employment Officer,
Uthagamandalam, Nilgiris District.

.. Respondents

Prayer.: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the impugned order No.1/L2/Ni. Po.30172/Tha.Apoka/10 dated 22.01.2011 passed by the first respondent and quash the same and direct the first respondent to appoint the petitioner as Bus driver in the first respondent Corporation to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For R1 : Mr.T.Chandrasekar

O R D E R

The petitioner has filed the Writ Petition to call for the impugned order No.1/L2/Ni.Po.30172/Tha.Apoka/10 dated 22.01.2011 passed by the first respondent and quash the same and direct the first respondent to appoint the petitioner as Bus driver in the first respondent Corporation.

2. According to the learned counsel for the petitioner, the petitioner has participated in the interview held on 24.12.2010 for the post of Reserve Driver and his name was sponsored by the second respondent under the category of schedule caste. At the time of conducting interview, the community certificate has not been produced by the petitioner. Further, the registration number furnished by the first respondent, the registration number does not tally with the same sponsored by the Employment Exchange. The petitioner has not produced the employment registration card containing the registration number. Further, he has not submitted First Aid certificate as per the requirement and also not participated in the Heavy Vehicle Driving test and hence, the above said impugned order was passed by the first respondent. Challenging the above said order, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the petitioner has produced all the certificates before the first respondent. Despite the same, the first respondent has rejected the petitioner's application. Hence, he prays for allowing the writ petition.

4. On the other hand, the learned Standing counsel appearing for the first respondent would submit that at the time of interview, the aforesaid documents have not been produced before the first respondent. Therefore, the petitioner was not selected for the post of Reserve Driver in the respondent-Corporation. The sponsored list was returned in the year 2011 itself, to the second respondent with selected and not selected details after completion of appointment order. Hence, the petitioner's representation cannot be considered and the same is liable to be rejected.

5. The second respondent has not been paid the batta, the writ petition was dismissed as against the second respondent on 24.02.2012.

6. From the aforesaid submission and the factual matrix of the case, it appears that the petitioner appeared for the interview and the original community certificate and other documents viz., First Aid Certificate, Driving Licence have not been produced and no material has been placed to show that the petitioner's name in the employment Registration card, which has been produced by the petitioner, is not contrary to the sponsorship made by the employment exchange.

7. On a perusal of the affidavit, the petitioner has not stated the reasons for non-production of the documents before the authority. Therefore, there is no satisfactory reasons for quashing the impugned proceedings. Hence, this Court is not inclined to grant any relief to the petitioner and the writ petition deserves to be dismissed.

8. Accordingly, the writ petition is dismissed. No order as to cost.

9. It is open to the second respondent-District Employment Exchange Officer, Udathamandalam, Nilgiris District to send the name of the petitioner, if he is otherwise eligible, to the concerned authority to consider the name of the petitioner in future for employment.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kkd

To

1.The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Coimbatore.

2.The District Employment Officer,
Uthagamandalam,
Nilgiris District.

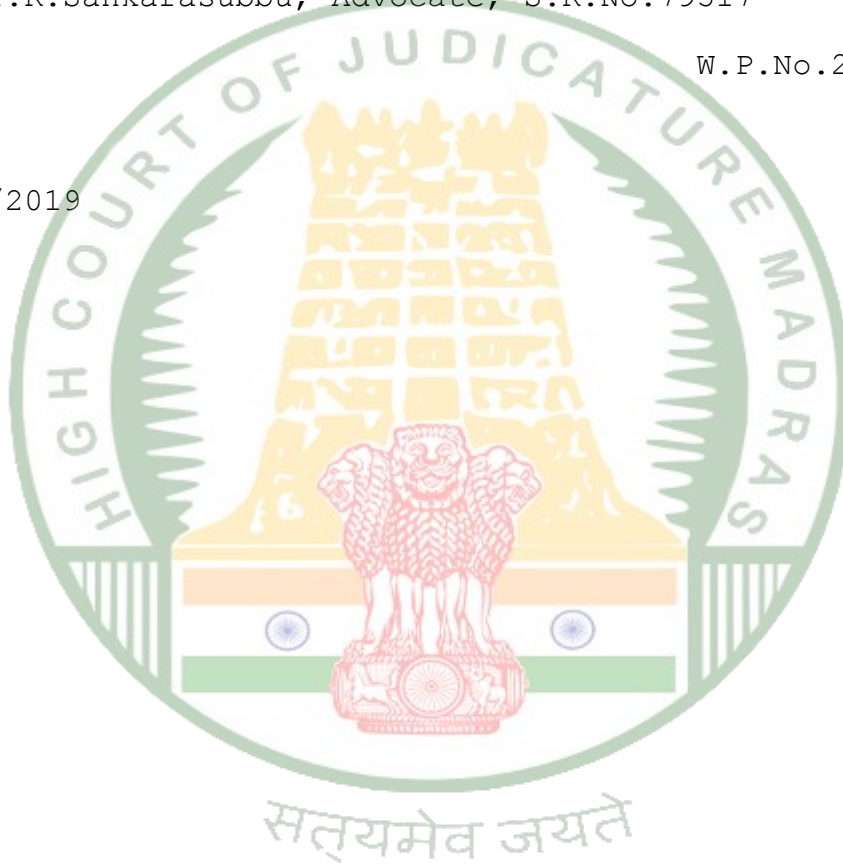
+lcc to Mr.T.Chandrasekar, Advocate, S.R.No.79660

+lcc to Mr.R.Sankarasubbu, Advocate, S.R.No.79517

W.P.No.2557 of 2011

RK(CO)

rrs 29/01/2019



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