

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.7570 of 2018

G.Janakiraman

...Petitioner

Vs

The Secretary,
Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road,
VOC Nagar, Park Town,
Chennai- 600 003. Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondent to consider the Petitioner's representation dated 15.03.2018 for not rejecting the Petitioner's application based on notification condition, (iii) the candidate should have valid driving licence on the date of notification for examination conducted by the Respondent in the notification No.03/2018 dated 14.02.2018.

For Petitioner : Mr.T.Vijayan

For Respondent : Dr.M.Devendran
Standing Counsel [for TNPSC]

O R D E R

The relief sought for in this writ petition is to direct the respondent to consider his representation dated 15.03.2018 for not rejecting his application based on notification condition (iii) the candidate should have valid driving licence on the date of notification for examination conducted by the respondent in the notification No.03/2018 dated 14.02.2018.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is fully qualified to participate in the process of selection as per the notification

issued by the Tamil Nadu Public Service Commission [TNPSC] dated 14.02.2018 for direct recruitment to the post of Motor Vehicle Inspectors Grade-II.

3.The learned counsel appearing on behalf of the writ petitioner further states that the writ petitioner is possessing a valid driving license and there is a delay in renewing the application by the writ petitioner. Therefore, the writ petitioner is under an apprehension that the application may be rejected by the TNPSC. This court is of the opinion that no writ petition can be entertained on such apprehension. The qualification prescribed as per the notification is that the candidates should have valid driving license as on the date of notification. Thus, it is for the respondent to scrutinize all the applications received and take a decision in respect of admitting the application.

4.However, the writ petition is not only premature and the writ petitioner has not established any legal right, so as to consider the representation. To entertain the writ petition, the writ petitioner has to establish a legal right. In other words, establishing a legal right is a pre-condition for admitting the writ petition under Article 226 of the Constitution of India.

5.Mere apprehension cannot constitute a cause of action for the purpose of moving the present writ proceedings. It is left open to the writ petitioner to submit his application in accordance with the notification issued. It is for the respondent to scrutinize the application in accordance with the terms and conditions stipulated under the notification. There cannot be any violation of condition under the notification and the recruitment rules issued by the TNPSC in this regard are also to be followed by the respondent and by the authorities competent.

6.In this view of the matter, this court is of an opinion that the writ petition is not only premature and the writ petitioner has failed to establish even a semblance of legal right, so as to entertain the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed. However, there is no order as to costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The Secretary,
Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road,
VOC Nagar, Park Town,
Chennai- 600 003.

+1cc to Mr.T.Vijayan Advocate SR.No.24496

+1cc to MDr.M.Devendran Advocate SR.No.24735

SDR 20.04.2018

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