

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.7786 of 2018 and
WMP.Nos.9699 and 9700 of 2018

A.Kalaiselvan ... Petitioner
vs

1. The Registrar,
Central Administrative Tribunal,
Chennai Bench.
 2. Union of India
rep. by its Secretary,
Ministry of Environment and Forest (MoEF),
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi-110 003.
 3. The Indian Council of Forestry,
Research and Education,
P.O., New Forest,
Dehradun, Uttar Pradesh
rep. by its Secretary
 4. The Director,
Institute of Forest Genetics
& Tree Breeding,
P.B.No.1061, Forest Campus,
R.S.Puram, Coimbatore-641 002.
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the relevant records of impugned order in O.A.No.310/00027/2018 dated 06.02.2018 passed by the 1st respondent herein and quash the same and consequently, direct the 4th respondent that to consider the applicant for the appointment to the post of Driver (Ordinary Grade) in the 4th respondent Institute.

For Petitioner :: Mr.J.Prakasam

For 2nd Respondent :: Mr.S.Namo Narayanan

ORDER

(Order of the Court was made by HULUVADI G.RAMESH, J.)

Challenging the correctness of the order passed in O.A.No.310/00027/2018 dated 06.02.2018 by the 1st respondent/Tribunal, the unsuccessful applicant has preferred the present Writ Petition.

2. The Original Application was filed seeking the following reliefs:

'a. For quashing of the order No.CTR-1/2-1/2017 dated 08.12.2017 issued by the 3rd respondent herein as illegal and void.

b. For a declaration that the applicant is entitled to be appointment as Driver (Ordinary Grade) in the 3rd respondent Institute.

c. And for a consequential direction to the 3rd respondent that to consider the applicant for the appointment to the post of Driver (Ordinary Grade) in the 3rd respondent Institute.

d. For such further or other reliefs as the Tribunal may deems fit and proper in the circumstances of the case.'

3. According to the applicant, he participated in the selection for the post of Driver notified by Advertisement No.1/IFGTB/2017 of the respondent Institute. Since he qualified in the Written Examination, he was called for a Driving Skill Test and thereafter, he was not selected. While so, by impugned notice dated 8.12.2017 of the 3rd respondent Institute, 3 posts of driver were decided to be kept vacant. Hence the said Original Application.

4. After hearing the learned Counsel on either side, the Tribunal has dismissed the said Original Application. Challenging the same, the applicant is before this Court with this Writ Petition.

5. The Writ Petition is listed today under the caption, 'for admission'.

6. Heard the learned Counsel appearing for the Writ Petitioner and the learned Counsel appearing for the 2nd respondent. We have also perused the materials available on record carefully including the order of the Central Administrative Tribunal.

7. On account of the non-selection of the petitioner for the post of Driver in the 4th respondent Institute, he approached the Central Administrative Tribunal. The

allegation made by the petitioner is that after passing the written test, though he was called for the skill test, he was not selected for the post of Driver. Therefore, he has challenged the notice dated 8.12.2017 of the 4th respondent by which the results of the Competitive Examinations/Skill Tests conducted for recruitment of various Group-C posts in that Institute was published, as illegal and arbitrary. However, when the matter came up before the Tribunal, while dismissing the Original Application, the Tribunal has held as follows:

'5. After a careful consideration of the facts as submitted by the rival counsel and perusal of the OA, I am of the view that the applicant has not supported his allegation of absence of criteria or an arbitrary/whimsical process of selection with any evidence. If the applicant wished to know the exact criteria adopted and the assessment of the applicant by the Selection Committee there against, he could have sought such information under RTI Act and based on such information, if the applicant was satisfied that an irregularity had been committed in the selection process, he was at liberty to question the same before this Tribunal. However, he has chosen to file this OA without any information whatsoever, making baseless allegations against the respondents, simply because, he was not selected.'

What is being observed by the Tribunal is that the allegations made by the petitioner are baseless, without any authenticity and knowing the exact criteria for selection and appointment of a candidate. When such being the case, there is no scope for interfering with the order of the Tribunal.

8. At this stage, the learned Counsel for the appellant relying on a decision of the High Court of Delhi in *Vikas Singh and Others vs. Airport Authority of India* reported in 2013 SCC OnLine Del. 2976 contended that non-filling up of advertised posts or cutting down the vacancies which are otherwise advertised to be filled up is an impermissible right of the respondent Institute. But, the facts in the case on hand is entirely different from that case. In the present case, the petitioner has failed in the skill test. But his contention is that even though he failed in the Skill Test, the respondents are duty bound to fill up the 3 posts of Drivers which fell vacant by recruiting him in one of the posts. Therefore, as held by the Tribunal, without knowing the exact criteria adopted and the assessment of the applicant by the Selection Committee through RTI Act, the petitioner has preferred the present writ petition.

9. In the result, the Writ Petition fails and the same is accordingly dismissed with liberty to the writ petitioner to collect the relevant particulars in respect of the exact criteria adopted by the respondent Institute through RTI and challenge the same, if he found any irregularity on the same. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar,
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Chennai Bench.
 2. The Secretary, Union of India
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& Tree Breeding,
P.B.No.1061, Forest Campus,
R.S.Puram, Coimbatore-641 002.
- + 1 cc to Mr.S. Namonarayanan, Advocate Sr.24724
+ 1 cc to Mr.J. Prakasam, Advocate Sr.25367

W.P.No.7786/2018

SSD(CO)
EU(04/05/2018)