

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.06.2018

CORAM

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

W.P.No.12485 of 2015

and

MP.No.1 of 2015

P.Thanabal

.. Petitioner

vs

The Managing Director,
State Transport Corporation Ltd.,
Villupuram.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to appoint the petitioner as Junior Technical Assistant pursuant to his participation in the interview held on 17.12.2014 and grant such other relief as this Court may deem fit and proper in the circumstance arising out of the case.

For Petitioner : Mr.P.Venkatraman

For Respondent : Mr.K.J.Sivakumar

O R D E R

The relief sought for in this writ petition is to direct the respondent to appoint the petitioner as Junior Technical Assistant pursuant to his participation in the interview held on 17.12.2014.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the petitioner has completed ITI and obtained a Trade Certificate. The petitioner is a differently abled person and the nature of the disability is "Ortho".

3.The grievance of the writ petitioner is that the respondent invited application from the eligible candidates to fill up 83 posts of Junior Technical Assistant. The petitioner is fully qualified for appointment to the above said post. Pursuant to the application submitted by the petitioner, he had

received an Interview call letter and participated in the process of the interview held on 17.12.2014. However, the petitioner has not received any order of appointment and therefore, he is constrained to move the present writ petition.

4.The learned counsel appearing on behalf of the writ petitioner contented that the writ petitioner is a differently abled person and 3% reservation quota provided for the differently able persons had not been followed by the respondent. Thus, he is entitled to be appointed in the said post.

5.The learned counsel appearing on behalf of the respondent relying on the counter filed by the Managing Director, Tamil Nadu State Transport Corporation, Villupuram Ltd., contented that the respondent Corporation had conducted an interview on 17.12.2014 for the selection of daily wage Junior Assistant on temporary basis. It is only a daily wages appointment, for a temporary period. No notification was issued for permanent appointment under the recruitment rules.

6.Further, it is stated that the requisite condition for selection to the post of Junior Tradesman is as follows:

- 1.Must have passed SSLC.
- 2.Must have passed ITI certificate examination (NTC) in any one of the trades.
- 3.Must have completed the Apprentices Act 1961 in any of the STUs in Tamilnadu and obtained NAC.

4.The ITI certificate must be in the trade of the post for which the selection is made, if there be no appropriate ITI certificate in any particular trade the candidate must have passed SSLC examination and practical experience in the type of work concerned for a period of not less than one year.

7.Further, it is stated that the respondent corporation has followed the reservation policy and quota for differently abled persons in a proper manner and there is no discrepancy. The respondent Corporation has fulfilled the reservation quota as per the Government reservation policy and they have not deviated the recruitment rules in force.

8.The writ petitioner is unable to establish that any other person, who is not qualified or ranked below to the writ petitioner had been appointed. No such appointment has been challenged in this present writ petition. This apart, the writ petitioner has not made out a ground for mal practices and corrupt activities in the process of selection.

9. Contrarily, he pleads that he is a differently abled person and participated in the interview and therefore, he must be appointed to the post of Junior Tradesman.

10. Appointment can never be claimed as a matter of right. All appointments are to be made only in accordance with the recruitments rules in force. Equal opportunity in a public employment is a constitutional mandate. The equality clause enshrined in the constitution must be followed scrupulously by the competent authorities, while undertaking the process of selection for the public post. There cannot be any deviation or dilution in respect of the implementation of the recruitment rules in force, while, undertaking the process of selection to fill up the sanctioned regular post. In the present case on hand, appointment was made only for the daily wage post, on temporary basis. This apart, the respondents have stated that they have followed the procedures as per the Government order including the rule of reservation. This being the factum of the case, the writ petitioner has not established any semblance of Rights for the purpose of considering the relief as such sought for in this writ petition.

11. Accordingly, the writ petition is devoid of merits and stands dismissed. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

stm

To

The Managing Director,
State Transport Corporation Ltd.,
Villupuram.

+ 1 cc to Mr. S. Sivakumar, Advocate Sr.40681

W.P.No.12485 of 2015

SSV(CO)
EU(11/08/2018)