

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10900 of 2018

Mr.L.Lallala Balaraja

... Petitioner

Vs.

1.The Principal Secretary to Government,
Department of Fisheries and Fisheries
Development, Secretariat,
Fort St. George, Chennai.

2.Tamil Nadu Fisheries Development
Corporation Ltd.,
Rep. by its Managing Director,
No.167, P.H.Road, Eco Park,
Kilpauk, Chennai-600 010.

3.V.Ramkumar

4.N.Ananthi

5.K.Suganya

6.R.Thamarai Selvan

7.R.Vanishree

8.L.Selvalakshmi

9.A.Brono Ranjith Raja

10.A.Senthamil Selvi

11.T.Kohila

12.K.Bhavani

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Declaration, to declare the impugned notification No.DR/AM/10-2016 dated 18.08.2016 issued by the second respondent as void illegal consequently to direct the second respondent to cancel the appointment of 3rd to

12th respondents and further to direct the 2nd respondent to allocate interview marks less than 20% for all the candidates and thereafter conduct fresh written exam and interview accordingly.

For Petitioner : Mr.A.Venkatesan

For R1 : Mr.V.Kadhirvelu,
Special Government Pleader

O R D E R

The recruitment notification issued on 18.08.2016, inviting applications from the eligible candidates for appointment to the post of Assistant Manager in Tamil Nadu Fisheries Development Corporation Limited, is under challenge in this writ petition.

2. The last date of even submitting the applications for recruitment to the post of Assistant Manager as per the notification was on 14.09.2016. The writ petitioner submitted his application and participated in the selection process. However, the petitioner was not selected and some other persons were selected.

3. The grievance of the writ petitioner is that the marks allocated in the interview was improper. In other words, the Selection Committee had not awarded the marks as per the norms to the writ petitioner and therefore, the writ petitioner was unable to be selected in the process of selection.

4. This Court is of an opinion that the notification issued in the year 2016 cannot be challenged now by the writ petitioner, who had already participated in the selection process. If at all, any unqualified person is appointed in violation of the recruitment rules, then the petitioner is at liberty to challenge the appointment orders of those persons, who were not appointed in accordance with the Recruitment Rules in force. However, the notification now cannot be challenged having participated completely in the selection process.

5. This being the factum of the case, it is left open to the writ petitioner to question the appointment orders issued in favour of any person, who has not fulfilled the requisite qualification under the Recruitment Rules in force. Thus, no further adjudication is required in respect of the grounds raised in this writ petition challenging the recruitment notification.

Accordingly, this writ petition is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

abr/lok

To

1.The Principal Secretary to Government,
Department of Fisheries and Fisheries
Development, Secretariat,
Fort St. George, Chennai.

2.Tamil Nadu Fisheries Development
Corporation Ltd.,
Rep. by its Managing Director,
No.167, P.H.Road, Eco Park,
Kilpauk, Chennai-600 010.

+lcc to Mr.A.VENKATESAN, Advocate, S.R.No. 31502

W.P.No.10900 of 2018

KAN (CO)
TR(15/05/2018)

सत्यमेव जयते

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