



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.01.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P. (MD) No.19930 of 2014
and
M.P. (MD) .Nos.1 & 2 of 2014**

A.V.Arulsingh

... Petitioner

Vs.

1. The Principal Secretary to Government.
Environment and Forest Department,
St.George Fort,
Chennai-09.

2. The Chairman,
Arasu Rubber Corporation Limited,
9D, Panagal Maligai,
Saithapet,
Chennai-600 015.

3. The Managing Director,
Arasu Rubber Corporation Limited,
Registered Office, Vadasery,
Nagercoil,
Kanyakumari District-629 001.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notification in DIPR/1290/DISPLAY/2014 dated Nil, published on 27.11.2014 in the New Indian Express (English Daily), on the file of the Respondent No.3 and quash the same as illegal to the extent of recruitment to one post of law Officer and consequently to direct the respondent no.3 to appoint the petitioner in the post of Law Officer in Arasu Rubber Corporation Limited, within the time stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.J.Gunaseelan Muthiah for R1 Additional Government Pleader : Mr.T.R.Janardhanan for R2 & R3

**ORDER**

Heard Mr.T.Lajapathi Roy, learned Counsel, appearing for the petitioner and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, appearing for the first respondent and Mr.T.R.Janardhanam, learned counsel, for the second and third respondents.

2.By consent of both the parties, the main writ petition is taken up for final disposal.

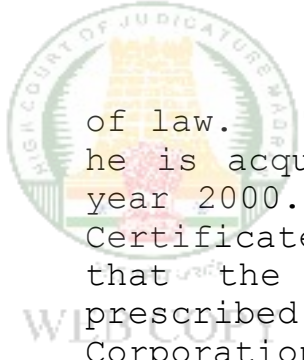
3.The petitioner joined in the Arasu Rubber Corporation Limited as Field Assistant in the year 1988. He is possessing law degree. He is aggrieved by the action of the respondent Corporation in overlooking his candidature and filling up the post of the Law Officer by way of direct recruitment. In the present writ petition, the notification dated 27.11.2014 issued by the third respondent calling for applications from eligible candidates from the open market for filling up the post of Law Officer is under challenge.

4.The learned counsel appearing for the petitioner contended that the respondent Corporation has framed service rules which set out the method of recruitment for various posts. As regards the post of Law officer, the method of recruitment is by way of transfer from the employees of the Corporation who possess the required educational qualification. The qualification prescribed is possession of law degree with three years experience in industrial disputes. Only if no eligible candidate is available, the Corporation can go in for direct recruitment. In the present case, the petitioner is very much having the requisite qualification. Therefore, according to the learned counsel appearing for the petitioner, the impugned recruitment notification is not in conformity with the Service Rules framed by the Corporation.

5.Per contra, the learned counsel appearing for the Corporation would contend that the petitioner is not having the requisite qualification and that is why, they were constrained to call for recruitment from the open market.

6.The learned counsel for the second and third respondents would draw the attention of this Court to paragraph 14 of the counter affidavit, in which, it has been stated that the petitioner did not appear in any industrial dispute case before any court of law and hence, he was found ineligible for the post of Law Officer, as already stated.

<https://hcservices.ecourts.gov.in/hcservices/> 7.The Service Rules envisages three years experience in dealing in industrial dispute. There is no requirement that one must have appeared in an industrial dispute case before any Court



of law. The material enclosed in the typed set clearly show that he is acquainted with industrial dispute cases right from the year 2000. The respondents 2 and 3 cannot ignore the Experience Certificates issued by their own officials. It is beyond dispute that the petitioner is very much having the qualification prescribed for the post of Law Officer in the second respondent Corporation. When any service candidate is very much available, the Corporation ought not to have called for the recruitment from the open market.

8.The contention of the learned counsel appearing for the petitioner that the impugned recruitment notification is violative of their own service rules is well founded. The impugned notification is, therefore, quashed.

9.The learned counsel appearing for the respondents 2 and 3 would submit that during the pendency of the writ proceedings initiated by the petitioner, herein, one N.Athi Narayanan, was appointed as a Law Officer. It is further submitted that following his termination from service, the post of Law Officer is currently vacant. Thus, the respondents 2 and 3 are directed to consider the case of the petitioner for the post of Law Officer.

10.With this direction, this Writ Petition stands allowed. No costs. consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Principal Secretary to Government.
Environment and Forest Department,
St.George Fort,
Chennai-09.

- + 1 cc TO Mr.T.R.Janardhanam , Advocate in SR No. 42708
- + 1 cc TO Mr.T.Lajapathi Roy , Advocate in SR No. 42611
- + 1 cc TO The Special Government Pleader in SR No. 42644

tsg

AE/JC/SAR1/09.02.2018/3P/5C