



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2018

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.22248 of 2018 and
W.M.P.(MD) No.20177 of 2018

S.K.Samy

... Petitioner

-vs-

The Registrar,
Tamil Nadu Agricultural University,
Coimbatore-641 003.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing to allow the petitioner in the written examination for the post of Driver, which will be held on 31.10.2018 by the respondent Tamil Nadu Agricultural University, Coimbatore-641 003 within the time that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.A.D.Ganeshmoorthi
For Respondent : Mr.A.Thirumurthy

O R D E R

This writ petition has been filed, seeking a direction to the respondent to allow the petitioner in the written examination for the post of Driver, which would be held on 31.10.2018 by the respondent University.

Brief Facts:

2. The case of the petitioner is that pursuant to the advertisement dated 25.07.2018, issued by the respondent University, calling for applications to the post of Junior Tractor Driver and Jeep Driver, he had applied for the said post through online on 07.08.2018, by enclosing all the relevant documents and his application was registered vide Regn.No.2018 204116.

2.1. It is submitted by the petitioner that though the respondent University had decided to conduct the written examination as well as interview on 31.10.2018, the petitioner was not issued any Hall Ticket and his candidature was neither rejected nor the respondent University had assigned any reason for non consideration of his candidature. It is further submitted that he is in possession of requisite qualification and experience and the act of the respondent University in not issuing hall ticket will deprive his



livelihood. Contending that he has already crossed the age of 44 and eking out his livelihood by engaging himself as a Casual Labour, he is before this Court, seeking for the above direction.

3. Though no counter affidavit has been filed by the respondent University, Mr.A.Thirumurthy, learned counsel appearing for the respondent University has strenuously contended that the petitioner has made application for the post of Junior Tractor Driver and since he was not found satisfactory in respect of experience factor, his candidature was not considered, as a result of which, he was not called for examination. He has further contended that the petitioner, in support of his claim, has annexed the notification pertaining to Driver, whereas, there is a separate notification issued for filling up of nine vacancies of Junior Tractor Driver, as the petitioner has applied for the said post only. Since the petitioner has not fulfilled the eligibility criteria, he has not been issued any hall ticket.

4. Learned counsel for the petitioner has submitted that though the date has been crossed, the respondent may be directed to conduct afresh examination to the petitioner and if he comes out successful, he may be considered for the post. According to him, the petitioner is having LMV and HTC licences and apart from that, he has got nearly 10 years of experience as Casual labour. He has further submitted that the action of the respondent in not calling for the petitioner for examination is illegal.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. From the submissions of both sides, it is seen that admittedly, the petitioner has applied for Junior Tractor Driver and in the typeset of papers, he has furnished a copy of the advertisement, pertaining to Driver, showing the number of vacancies as 21, whereas there are nine vacancies against Junior Tractor Driver, for which, certain qualification has been prescribed. A scrutiny of the advertisement issued in respect of Junior Tractor Driver would reveal that the candidate applying for the said post should possess practical experience in driving tractor for a period of not less than two years (Casual/Contractual/Temporary basis) in farm operations, viz., ploughing, inter cultivation operations etc, in Government University / Government institutions or Public Sector of Tamil Nadu. But, in the online application submitted by the petitioner, he has stated that he had worked as Casual Labour in Cotton Research Station (TNAU), Srivilliputtur and there is no reference with regard to the exact practical experience as required by the respondent University. Therefore, his candidature was not considered and he was not called for examination in terms of Paragraph No.6 of the notification, which clearly states that call letters will be sent to the eligible candidates for appearing the written examination and skill test. Hence, this Court is of the view that there is no perversity or illegality on the part of the



respondent in not issuing hall ticket to the petitioner.

7. Even though the petitioner has contended that he is poor and he has got vast experience so as to be suitable to hold the post called for, apart from having LMV licence with Badge No.575 and HTV licence, this Court cannot accept the contention of the petitioner, as the right of selection/recruitment vests with administrative side and this Court do not want to interfere with the decision of the respondents taken on the administrative side, unless there is illegality or mala fide exercise of power by the respondent.

8. For the foregoing observation and reason, in the considered opinion of this Court, this Writ Petition lacks merit acceptance and fails. Accordingly, this Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Registrar,
Tamil Nadu Agricultural University,
Coimbatore-641 003.

+ 1 CC TO Mr.A.THIRUMURTHY, ADVOCATE IN SR No. 93486
+ 1 CC TO Mr.A.D.GANESHAMOORTHY, ADVOCATE IN SR No. 93680

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TE/BK/SAR-4 : 07/12/2018 : 3P/4C

W.P. (MD) No.22248 of 2018
31.10.2018