



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2018

CORAM

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

W.P(MD) No.173 of 2013

and

M.P(MD)No.1 of 2013

U.Kumaran

... Petitioner

-vs-

1.The Managing Director,
Tamil Nadu State Transport Corporation
Kumbakonam Limited,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Karaikudi Region,
Karaikudi,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from filling up the posts of Conductor from the candidates who had registered in Employment Exchange at Thanjavur and Pudukkottai District and further to appoint the Petitioner to the post of Conductor in the second respondent Corporation.

For Petitioner : M/s.N.Rahamadullah
For Respondents : Mr.D.Sivaraman
1 and 2

O R D E R

The relief sought for in this Writ Petition is to forbear the respondents from filling up the post of Conductor from the candidates who had registered their names in the Employment Exchange at Thanjavur and Pudukkottai District and further to appoint the Petitioner to the post of Conductor in the second respondent/Corporation.

2.The Writ Petitioner states that he is fully qualified for appointment to the post of Conductor and he registered his name in the Ramanathapuram Employment Exchange. The second respondent sent a Call Letter to the Writ Petitioner to appear before the authority along with certificates on 23.8.2012.The Writ Petitioner appeared before the second respondent accordingly. On completion of interview, there was no response from the second respondent. However, the Writ Petitioner came to understand that the first respondent is taking steps to fill up the post of Conductor in Karaikudi Region from the candidates who had registered their names in the Employment Exchange at Thanjavur and Pudukkottai Districts.



3. The contention of the Petitioner is that in respect of the vacancies arising in Karaikudi Region, persons to be filled up from amongst the candidates in the Employment Exchange at Ramanathapuram and Sivagangai Districts. But the Writ Petitioner is residing in Ramanathapuram and registered his name in Ramanathapuram Employment Exchange. The second respondent already called him to appear for Certificate Verification. Thus the Writ Petitioner is constrained to move the present Writ Petition to forbear the respondents from filling up the post of Conductor from the candidates who had registered their names in the Employment Exchange at Thanjavur and Pudukkottai Districts.

4. This Court is of an opinion that the relief as such sought for at this length of time cannot be considered at all. The Writ Petitioner has not established any cause of action or legal right so as to entertain the present Writ Petition. Even in the affidavit filed in support of the Writ Petition, the Writ Petitioner states that the first respondent is taking steps to fill up the post of conductor. Thus an inference is to be drawn that the present Writ Petition is moved only based on certain apprehensions. Such apprehensions would not constitute a cause of action for moving a Writ Petition under Article 226 of the Constitution of India. This apart, the Writ Petitioner has registered his name in the District Employment Exchange at Ramanathapuram District and in respect of the vacancies arose in Ramanathapuram District, if any notification regarding recruitment to the post of Conductor is issued, then the Writ Petitioner is at liberty to participate in the process of selection.

5. Mere Certificate verification cannot provide a cause for the Writ Petitioner to claim for appointment. Appointment can never be claimed as a matter of right. Process of selection can be challenged by way of Writ Proceedings, if any person established any malpractice, illegality or corrupt activities in the process of selection. In the absence of any one of the legal grounds, process of selection cannot be challenged and no relief can be granted in the Writ Petition. Except the fact that the Writ Petitioner had participated in the process of Certificate verification, the Petitioner has not established any legal right so as to consider the relief as such sought for in this Writ Petition. Thus, it is left open to the Writ Petitioner to participate in the selection process, if any recruitment notification is made in this regard by the respondents. In this view of the matter, the Writ Petitioner has not established any legal right or cause of action, so as to entertain the present Writ Petition.

6. The learned counsel for the respondents states that in view of the filing of certain Writ Petitions, the process of selection itself had been deferred and not processed. Thus, no further adjudication is required in this Writ Petition.



7. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
Kumbakonam Limited,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation Limited,
Karaikudi Region,
Karaikudi,
Sivagangai District.

Vsn
RL/3C/3P/KK/SAR1/21/3/2018

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