



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.394 of 2013

and

M.P.(MD).No.2 of 2013

1.K.Malaichamy

2.S.Saravanakumar

3.A.Pandi

4.S.Karuppu

5.M.Gurupandi

... Petitioners

Vs.

1.The General Manager,
Tamilnadu State Transport Corporation,
Kumbakonam Limited,
Karaikudi Region,
Karaikudi,
Sivagangai District.

2.The District Employment Officer,
District Employment Office,
Sivagangai,
Sivagangai District.

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the first respondent from filling up the post of conductor lying vacant through appointing the persons belong to other Districts excluding the Sivagangai District.

For Petitioners : Mr.B.Prahalad Ravi

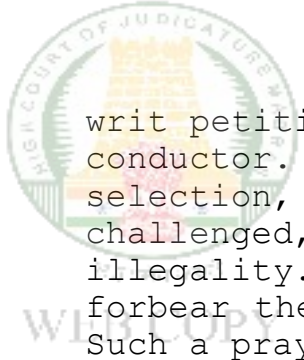
For 1st Respondent : Mr.D.Sivaraman

For 2nd Respondent : Mr.VPM.Vaishnavi
Government Advocate

ORDER

The relief sought for in this writ petition is for a direction to forbear the first respondent from filling up the post of conductor lying vacant through appointing the persons belong to other district excluding Sivangangai.

2.The relief as such sought for is absolutely misconceived and based on certain apprehension. Filling up of the post of conductor is an administrative propagative of the employer. A person, who has not even participated in the process of selection, cannot file a



writ petition to forbear the respondents from filling up the post of conductor. Even in respect of the candidates participated in the selection, their rights are limited. The process of selection can be challenged, if there are any malpractice or corrupt activities or illegality. Contrarily, the present writ petition is filed to forbear the first respondent from filling up the post of conductor. Such a prayer cannot be entertained at all.

3.The learned counsel appearing on behalf of the first respondent states that it is not true that the first respondent is going to fill up the post of conductor by calling upon the seniority list from other districts employment officers excluding Sivagangai District. In fact during the recruitment process in the year 2012 pursuant to the notification dated 27.12.2012 the seniority list was called from all the concerned employment exchanges to recommend the names of suitable candidates as per the procedures in force at that point of time. The seniority list was called from all the district employment officers, where the first respondent transport corporation is having its operation.

4.This being the counter affidavit filed by the first respondent, this court is of an opinion that the writ petitioner has not established even a semblance of right to consider the relief as such sought for in this Writ Petition. Accordingly, the writ petition stand dismissed. However, no order as to costs. Consequently, M.P.(MD).No.2 of 2013 is closed.

Sd/-

Assistant Registrar (CS II)

/True copy/

Sub Assistant Registrar

To

The District Employment Officer,
District Employment Office,
Sivagangai, Sivagangai District.

+1cc to M/S.Special Government Pleader,SR. 50584

+1cc to Mr.D.SIVARAMAN,Advocate,SR. 50050

+1cc to Mr.B.PRAHALAD RAVI,Advocate,SR. 50894

W.P. (MD) No.394 of 2013
and
M.P. (MD) .No.2 of 2013
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VSG/TA

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