

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-04-2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.816 of 2019

And

W.M.P.Nos.903 and 905 of 2019

1.P.Dhinesh

2.B.Deepak Jothi

.. Petitioners

Vs.

1.The Secretary to Government,
Home (TR.II-A) Department,
Secretariat,
Chennai-600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town,
V.O.C. Nagar,
Chennai-600 003.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the the second respondent from recruiting the candidates, who are possessing Bachelors Degree in Engineering subject without undergoing/possessing the basic qualification as prescribed under Rule-5 of the Tamil Nadu Transport Subordinate Service Rules namely Diploma in Automobile or Mechanical Engineering (3 years Course) for selection/appointment to the post of Motor Vehicle Inspector Grade-II (113 post) based on the Advertisement No.489 dated 14.2.2018 in Tamil Nadu Transport Subordinate Service (Code No.068) and consequently direct the respondents to strictly implement and follow the statutory rule prescribed for selection to the post of Motor Vehicle Inspector Grade II.

For Petitioners : Mr.N.Umapathi
For Respondent-1 : Mr.A.N.Thambidurai,
Special Government Pleader.

For Respondent-2 : Mr.M.Loganathan,
Standing Counsel for TNPSC.

O R D E R

The relief sought for in the present writ petition is to forbear the second respondent from recruiting the candidates, who are possessing Bachelors Degree in Engineering subject without undergoing/ possessing the basic qualification as prescribed under Rule-5 of the Tamil Nadu Transport Subordinate Service Rules namely Diploma in Automobile or Mechanical Engineering (3 years Course) for selection/appointment to the post of Motor Vehicle Inspector Grade-II (113 post) based on the Advertisement No.489 dated 14.2.2018 in Tamil Nadu Transport Subordinate Service (Code No.068) and consequently direct the respondents to strictly implement and follow the statutory rule prescribed for selection to the post of Motor Vehicle Inspector Grade II.

2. The learned counsel for the writ petitioners states that the respondents are now allowing the candidates to participate in the process of selection in violation of the Rules. As per the Recruitment Notification already issued, the writ petitioners are fully qualified and are eligible to participate in the process of selection. However, the respondents are receiving the applications from some unqualified persons by prescribing the higher qualification, which is in violation of the Service Rules in force.

3. It is made clear that the respondents are bound to follow the Recruitment Notification strictly and scrupulously. There cannot be any violation of the Rules in force in respect of the particular post as well as the terms and conditions stipulated in the Recruitment Notification. Under these circumstances, the respondents are directed to follow the Service Rules as well as the terms and conditions stipulated in the Recruitment Notification strictly and conduct the process of selection without any room for ambiguity or allegation.

4. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,
Home (TR.II-A) Department,
Secretariat,
Chennai-600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town,
V.O.C. Nagar,
Chennai-600 003.

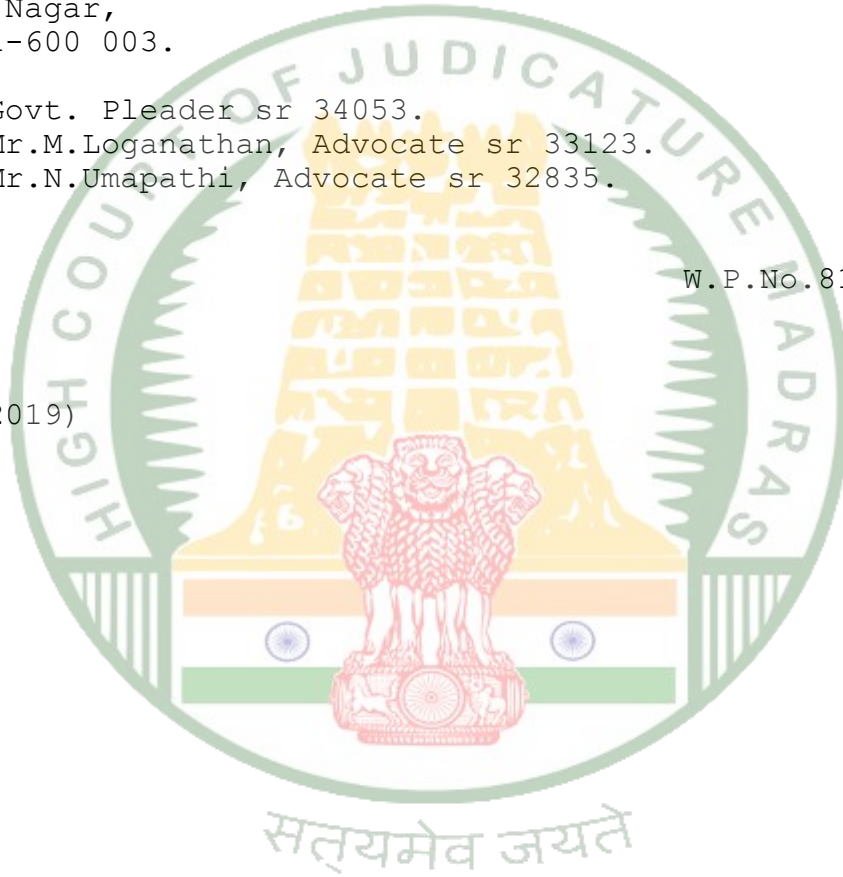
+1 CC to Govt. Pleader sr 34053.

+1 CC to Mr.M.Loganathan, Advocate sr 33123.

+1 CC to Mr.N.Umapathi, Advocate sr 32835.

W.P.No.816 of 2019

SP(25/04/2019)



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