

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.02.2019

CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10138 of 2018
and
W.M.P.Nos.12088 & 12089 of 2018

R.Vijayamurugan

... Petitioner

Versus

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town,
Chennai - 600 003.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the notification No.03/2018 dated 14.02.2018 issued by the Respondent and quash the same and consequently directing the Respondent to reject all the applications submitted by the decree holders in Mechanical and Automobile Engineering and to fill up the vacancies according to the Rule of Reservation for appointment to the post of 'Motor Vehicle Inspector - Grade-II'.

For Petitioner : Mr.A.Nagarathinam

For Respondent : Mr.M.Loganathan
Standing Counsel for TNPSC

O R D E R

The presumptive allegations made cannot provide cause of action for the petitioner to move the present writ petition. Even the learned counsel appearing on behalf of the writ petitioner states that the Authorities are attempting to violate certain terms and conditions of the notification.

2. Such presumptive allegations based on certain assumptions can never be entertained in a writ petition. If at all any violation is identified and brought to the notice of this Court, then alone the writ proceedings can be entertained and the issues can be adjudicated. Mere apprehension, presumptions and assumptions cannot constitute the ground for entertaining a writ petition under Article 226 of the Constitution of India.

3. Even for issuance of any such direction, the writ petitioner has to establish a legal right. It is pre-condition that, the person who is approaching the Court must establish a legal right. In the any such legal right, no writ can be entertained by this Court. This apart, the very relief sought for is to call for the records pertaining to the notification No.03/2018 dated 14.02.2018 issued by the Respondent and quash the same and consequently to direct the Respondent to reject all the applications submitted by the decree holders in Mechanical and Automobile Engineering and to fill up the vacancies according to the Rule of Reservation for appointment to the post of 'Motor Vehicle Inspector - Grade-II'.

4. It is needless to state that, Authorities Competent are bound to follow the terms and conditions issued in the recruitment notification as well as the Rule governing the post. This being the legal position, this Court is of an opinion that the writ petitioner has not establish even a semblance of legal right, so as to consider the relief as such sought for in the present writ petition.

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town,
Chennai - 600 003.

+1cc to Mr.A.Nagarathinam, Advocate, S.R.No.18562
+1cc to Mr.M.Loganathan, Advocate, S.R.No.17857

W.P.No.10138 of 2018

EV(CO)

rrs 26/03/2019