

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAN

W.P.No.4781 of 2019

M.Sankar

... Petitioner

-Vs-

The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge 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 Mandamus, directing the respondent to strictly follow the notification no.03/2018 dated 14.02.2018 issued for the post of Motor Vehicle Inspector, Grade - II, more particularly the educational qualification prescribed therein.

For Petitioner : Mr.A.S.Baalaji

For Respondent : Mr.M.Devendran
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 is 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 direct the respondent, to strictly follow the notification 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 entertain the writ petition.

5. Accordingly, the writ petition stands dismissed. No Costs.
Pkn

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To

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

+1cc to Mr.A.S.Baalaji, Advocate, SR.NO.15880
+1cc to Dr.M.Devendran, Advocate, SR.No.16526

Kak (30/03/2019)

W.P.No.4781 of 2019

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