

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2019

Coram

The Honourable Mr. Justice D. KRISHNAKUMAR

W.P.No.1514 of 2016

M.Sundaram

...Petitioner

Versus

1. Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Rep. by its Managing Director,
Vazhuthareddy,
Villupuram.
2. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region,
Rangapuram, Vellore - 632 009.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent order No.13647/sa1/TNSTC(Viz) Vellore Region, dated 10.02.2015 and quash the same and consequently, to direct the first respondent to give employment to the petitioner as conductor.

For Petitioner : Mr.S.T.Varadharajulu

For Respondents : Mrs.Rajeni Ramadoss

O R D E R

The relief sought for in the present writ petition is to call for the records of the first respondent order No.13647/sa1/TNSTC(Viz) Vellore Region, dated 10.02.2015 and quash the same and consequently, to direct the first respondent to give employment to the petitioner as conductor.

2. It is the case that the petitioner who belongs to Schedule Caste (Adhi Dravida Community) had passed S.S.L.C in the year 1992-1993. On completion of S.S.L.C, he registered his

name in the District Employment Exchange, Vellore on 21.02.1995. He obtained conductor License and Badge in the year 2000 and registered the same with the said Employment Exchange on 01.03.2001.

2.1 In the year 2001, when the workmen in all State Transport Corporation involved in the State Wide Bonus Strike, the second respondent employed the petitioner as Conductor for about one month to ensure uninterrupted passenger Transport service to the public. Thereafter, the petitioner was called for an interview by the second respondent and the petitioner had also attended the same. Based on the performance and eligibility of the petitioner, he was appointed as Conductor during the period from 18.12.2006 to 11.09.2007 and posted at Konavattam Depot No.1 in Vellore. After 11.09.2007, the second respondent stopped the petitioner from work by informing that if they call for recruitment of Conductors in future, they would call him. However, subsequent to the year 2007, the second respondent did not call for recruitment of Conductors.

2.2 In the year 2012, the second respondent made a request to sponsor the names of eligible candidates for appointment to the post of Conductor in the Vellore Region. When the petitioner came to know about the same, he enquired the office of the District Employment Exchange, Vellore, where, he was told that the eligible candidates belonging to the Schedule Caste Community who have registered their names in the Employment Exchange upto the year 1999 alone were eligible to be sponsored by the District Employment Exchange as per the employment seniority. The Officials of the District Employment Exchange told the petitioner that he was not sponsored by them since he had registered his Conductor License and Badge only on 01.03.2001.

2.3 Aggrieved by the information obtained from the Officials of the District Employment Exchange, Vellore, the petitioner filed a writ petition in W.P.No.24147 of 2014 seeking to direct the respondents to call him for interview and consider him for appointment to the post of Conductor in Vellore Region of the first respondent Corporation, without reference to sponsorship on his previous employment with them as Conductor. By order dated 02.12.2014, this Court disposed of the said writ petition by directing the first respondent to consider and dispose of the representation of the petitioner dated 23.08.2014, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

2.4 Subsequent to the order of this Court dated 02.12.2014, vide Letter No.13647/sa1/TNSTC(Viz) Vellore Region, dated

10.02.2015, the first respondent informed the petitioner that he is not educationally qualified to the post of Conductor. Hence, left with no other alternative, the petitioner has filed the present writ petition for the relief stated supra.

3. The learned counsel for the petitioner would contend that the first respondent rejected the claim of the petitioner on the ground that he does not have the basic educational qualification to the post of Conductor. He would further contend that pursuant to the petitioner's request dated 07.05.2015, the Public Information Officer, Vellore sent a communication to the petitioner, wherein, it is stated that the petitioner is eligible to write +1 and +2 Examinations. He therefore prayed that the present writ petition may be allowed.

4. The learned counsel appearing for the respondents would argue that the petitioner is not eligible to the post of Conductor since he has passed VIII Standard and thereafter, he studied IX Standard and X Standard as a private candidate. He would further argue that in the Letter dated 10.02.2015, the first respondent had clearly stated the educational qualification for the post of Conductor as per the Common Service Rules of the Tamil Nadu State Transport Corporation (TNSTC). The petitioner is not eligible to the post of Conductor as per the aforesaid rules.

5. Heard both sides and perused the materials available on record.

6. It is pertinent to quote the qualifications prescribed in the Common Service Rules of TNSTC to the post of Conductor which reads as follows:

"(i) Must have passed the S.S.L.C examination or the X Standard Public Examination (under the revised Scheme of 1979) with eligibility for admission to the Higher Secondary Course, from a recognized School in Tamilnadu.

(ii) Must possess a valid Conductor's Licence, First Aid Certificate, and Public Service Badge.

(iii) Must have the following minimum physical standards.

Height - 160 cms

Weight - 45 kgs

(iv) Must be free from any physical deformity.

(v) Must have completed twenty (20) years of age as on the 1st day of July of the year in which the appointment is made.

(vi) Must furnish a Security deposit of Rs.500/- (Rupees Five Hundred) at the time of appointment, in cash."

7. From a perusal of the above rules, it is crystal clear that the petitioner is not eligible to the post of Conductor in TNSTC since he had not passed in the S.S.L.C Examination or the X Standard Public Examination from a recognized school in Tamil Nadu. However, there is no materials were placed by the petitioner to this effect, to show that he had passed S.S.L.C from a recognized school in Tamil Nadu. In the absence of any such proof and materials on the part of the petitioner to prove his claim, the relief sought for by him in the present writ petition cannot be granted by this Court.

8. In the result, this Writ Petition is dismissed as being devoid of merits. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vazhuthareddy,
Villupuram.
2. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region,
Rangapuram, Vellore - 632 009.

+1 CC to Mr.S.T.Varadharajulu, Advocate sr 95722.

+1 CC to Mr.S.Rajeni Ramadoss, Advocate sr 96194.

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BP(CO)
SP(20/02/2020)