

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.14509 of 2018
and W.M.P.No.17113 of 2018

M.Ramesh

...Petitioner

Vs.

1. The Chairman,
Board of Apprenticeship Training
(Southern Region) Autonomous,
4th Cross Street, CIT Campus, Tharamani,
Chennai - 600 113.

2. The Director,
Board of Apprenticeship Training
(Southern Region) Autonomous, 4th Cross Street,
CIT Campus, Tharamani,
Chennai - 600 113.

....Respondents

PRAYER: Writ petition filed under Article 226 of Constitution of India, seeking a writ of Mandamus, directing the respondents to cancel the selection process towards the post of Junior Assistant as the respondents did not follow the procedure as contemplated in official memorandum dated 19.07.2017 and 21.06.2016 passed by the Ministry of Personnel and Public Grievance and consequently to conduct the selection process consisting of written test, computer skill test in transparent manner.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.S.Sathishrajan, CGSC

ORDER

This writ petition has been filed for the issuance of writ of mandamus directing the respondents to cancel the selection process towards the post of Junior Assistant and consequently conduct the fresh selection process in a transparent manner.

2. The case of the petitioner is that the 2nd respondent had called for application for the post of Analyst Upper Division Clerk and Junior Assistant in the year 2017. The petitioner had applied for the said post. The mode of selection for the post is by way of written examination and interview. According to the petitioner, the petitioner had attended the written

examination on 29.04.2018 and thereafter no results were published. Hence, the petitioner was completely kept in dark and details were not available in the website also. Later, the petitioner came to know that the 2nd respondent has conducted the skill test on 09.06.2018.

3. The grievance of the petitioner is that this has been done even without publishing the results of the written examination. Therefore, according to the petitioner, the entire selection process was carried out in a hasty manner and there was absolutely no transparency, hence, it requires interference of this Court.

4. The learned counsel for the petitioner submitted that the entire selection process was conducted in violation of the official memorandum issued by the Government of India dated 19.07.2017. The learned counsel submitted that it is a duty of all recruitment agencies to disclose the scores and ranks of the candidates in the portal. The learned counsel further submitted that unless there is a transparency in the selection process, the petitioner will not be in a position to know where he stands and even if the petitioner wants to challenge the selection, he would require the details with regard to the marks scored by other candidates. The learned counsel submitted that the subsequent development with regard to the selection of 5 candidates and their appointment cannot be put against the petitioner since very selection process itself was illegal.

5. The respondents have filed a counter affidavit in this case. Mr. Sathishrajan, Central Government Standing Counsel appearing on behalf of the respondents submitted that the respondents had conducted selection in a transparent manner. The learned Central Government Standing counsel submitted that the written examination was conducted and it was found that the petitioner did not pass the written examination. Persons who had cleared the written examination were short listed by the selection committee and were called for the second level which is a computer based skill test. Out of 58 candidates, 31 candidates were again short listed and 5 persons were selected and appointed.

6. The learned counsel submitted that the petitioner even without crossing the first stage, cannot be permitted to challenge the selection and if the selection is interfered with at this stage, the interest and rights of the 5 persons who have already been selected, will be greatly affected. Therefore, the learned counsel sought for dismissal of the writ petition.

7. This Court has carefully considered the submissions made by either side and the materials available on record.

8. It is seen that the petitioner had participated in the selection that was called for by the 2nd respondent to fill up the post of Analyst Upper Division Clerk and Junior Assistant. The selection process involved two levels. The 1st level was a written examination which consisted of four papers. The candidates who successfully passed in the written examination were short listed and were taken to the second level of examination which is computer based skill test. The counter filed by the respondents shows that the petitioner did not even pass in the written examination. Therefore, the petitioner was not called for the second level test. It is also seen that the evaluation was conducted by the selection committee and the typed set of papers that has been filed by the respondents clearly shows the list of persons whose names were short listed at every stage. The name of the petitioner was not short listed and he was not even in the zone of consideration.

9. In view of the above, this Court is not inclined to entertain this writ petition, more particularly, since the petitioner did not qualify in the written examination and 5 persons have already been selected and appointed to the post. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(C.S.VIII)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman, Board of Apprenticeship Training
(Southern Region) Autonomous, 4th Cross Street,
CIT Campus, Tharamani, Chennai - 600 113.
2. The Director, Board of Apprenticeship Training
(Southern Region) Autonomous, 4th Cross Street,
CIT Campus, Tharamani, Chennai - 600 113.

+1 cc to M/s.S.Sathish Rajan, Advocate Sr.No. 13901

+1 cc to Mr.M.Rajendiran, Advocate Sr.No.103904

AKM/27.01.2020/3P-5C /

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