

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2019

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.29000 of 2014

and M.P.Nos.1, 2 & of 2014

P.Panner Selvam

... Petitioner

Vs.

1. The Director
Central Bureau of Investigation
Plot No.5-B, 6th Floor, CGO Complex
Lodhi Road, New Delhi - 110 003.
2. The Secretary
Ministry of Railways
Rail Bhavan, Raisina Road
New Delhi -1.
3. The General Manager
Southern Railway
Chennai-3.
4. The Chairman
Railway Recruitment Cell
Dr.Crescent Road, Egmore
Chennai-8.

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Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to notification in Employment Notice No.02/2013 dated 21.09.2013 issued by the 4th respondent and quash the same as illegal, arbitrary, unconstitutional and consequently direct the 1st respondent to investigate the job scam as per the representation dated 23.10.2014 made by the petitioner herein for taking appropriate prosecution action against the offenders.

For Petitioner : Mr.T.Sundaravadanam
For Respondents : Mr.K.Srinivasan
Special Public Prosecutor (CBI) for R1

Mr.P.T.Ramkumar
Standing Counsel for Railways
for RR2 to 4

O R D E R

The petitioner has filed this writ petition seeking for issuance of a Writ of Certiorarified Mandamus calling for the records relating to notification in Employment Notice No.02/2013 dated 21.09.2013 issued by the 4th respondent and quash the same as illegal, arbitrary, unconstitutional and consequently direct the 1st respondent to investigate the job scam as per the representation dated 23.10.2014 made by the petitioner herein for taking appropriate prosecution action against the offenders.

2.The writ petition has been filed by the petitioner, an unsuccessful candidate who had aspired for a Group 'D' post in Railways stating that there was a scam in the recruitment process of Railways, pursuant to which, unqualified persons and ineligible persons were selected by the Railways in violation of existing rules and procedures of recruitment.

3.Heard the learned counsel appearing for the petitioner, learned Special Public Prosecutor (CBI) appearing for the 1st respondent and the learned Standing Counsel for Railways.

4.The learned counsel for the petitioner would submit that he has got sufficient materials to prove that the notification of the 4th respondent was issued in a suspicious manner in violation of rules and procedures thereby paving way for unqualified and ineligible persons to enter into Railway jobs in the Group 'D' category. He would further submit since several past and present officials in the Southern Railways were involved in the scam, the writ petition has been filed to quash the notification and also to direct the 1st respondent to register a case and investigate the illegalities in the job scam.

5.A detailed counter had been filed by the 2nd respondent denying the averments. When the matter is taken up today, Mr.P.T.Ramkumar, learned counsel appearing for the respondents 2 to 4 would submit that the allegations of the petitioner are reckless and without any basis and he would submit that the

petitioner had wrongly construed the rules and procedures in the notification and thereby a false complaint has been given. He would further submit that the first limb of the prayer has become infructuous, in view of the fact that the candidates have been selected and they have been appointed in the Railways.

6.Learned Special Public Prosecutor appearing for the 1st respondent would submit that the representation dated 23.10.2014 made by the petitioner has been enquired and finding that the allegations in the above said complaint are not sustained. The 1st respondent had closed the complaint without taking further action. He would further submit that the closure notice has not been served on the petitioner and the same will be served on him at the earliest.

7.In view of the above, without going into the averments in the petition and the counter and without expressing any opinion with regard to the correctness or claim made in the representation dated 23.10.2014, this Court dismisses the writ petition, granting liberty to the petitioner to proceed in accordance with law. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS-III)

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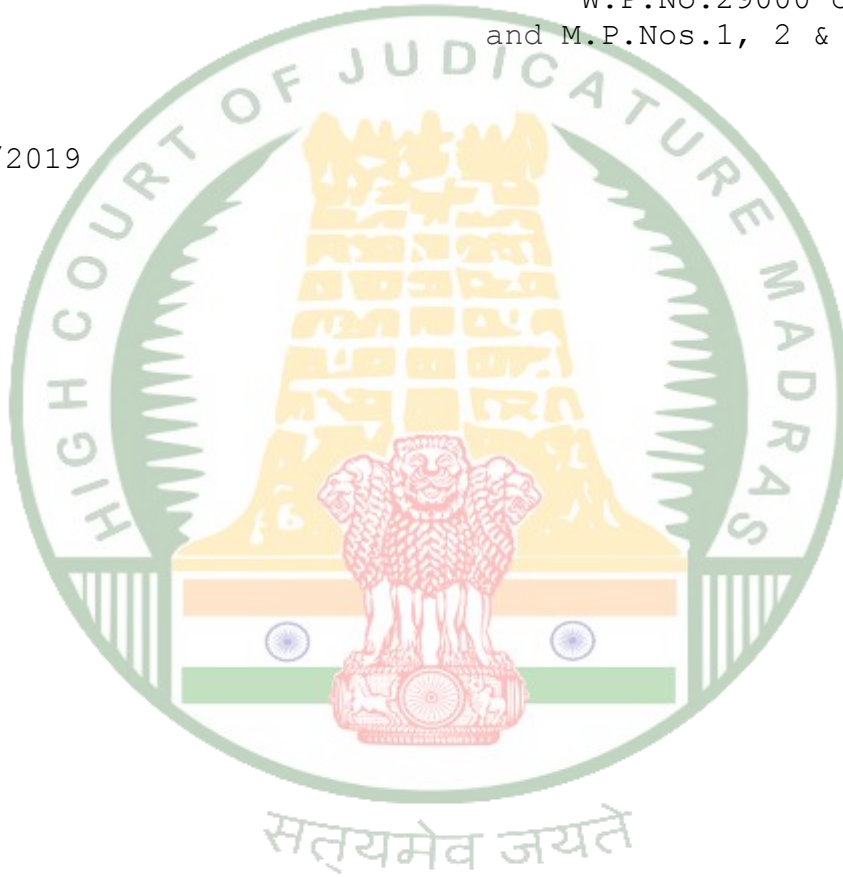
+ 1 cc to Mr.T.Sundaravadhanam, Advocate Sr.No. 29599

+ 1 cc to Mr.P.T.Ramkumar, Advocate Sr.No.29965

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NMI (CO)

RRI 30/05/2019



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