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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.20955 of 2019
& WMP.No.20139 of 2019

V.P.Ammavasai

.. Petitioner

Vs

- 1.The Secretary to Government,
Animal Husbandry, Dairy Development and Fisheries Department,
Fort St. George,
Chennai-09
- 2.The Director of Vigilance and Anti-Corruption,
No.293, M.K.N.Road,
Alandur, Chennai-16
- 3.The Managing Director cum Registrar,
Tamilnadu Co-operative Milk Producer's Union Ltd.,
Madhavaram Milk Colony,
Chennai-51
- 4.The General Manager,
A-1301, Madurai District Co-operative Milk Producer's Union
Ltd.,
Sivagangai Road, Sathamangalam,
Madurai-20

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 & 2 to ensure the transparency in the selection process by considering the representations submitted by the petitioner dated 07.05.2019 & 28.06.2019 respectively, within a reasonable time as fixed by this Court.

For Petitioner : Mr.G.Ilamurugu



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For Respondents : Mr.L.P.Shanmughasundaram, Spl.G.P
for RR1, 3 & 4
Mr.J.Pothiraj, Spl.GP for R2

ORDER

This petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 & 2 to ensure the transparency in the selection process by considering the representations submitted by the petitioner dated 07.05.2019 & 28.06.2019 respectively, within a reasonable time as fixed by this Court.

2. According to the petitioner, he is a member of the Madurai District Co-operative Milk Producer's Union and he apprehends that there will be mal-practice and discrepancies in the selection of persons to the cadre of Senior Factory Assistants/Executive (Office), pursuant to the notification issued by the respondents on 16.04.2018. According to the petitioner, there is yet another advertisement was issued on 09.06.2019 for filling up 62 posts in regard to various categories like Senior Factory Assistant, Manager, Deputy Manager, Executive Office and Private Secretary Grade III etc. The petitioner apprehends that there will be huge mal-practice in the selection process and therefore, he wants the selection to be monitored by the first respondent or by some independent retired Judge or Advocate Commissioner, to ensure the transparency in the selection process.

3. The affidavit filed in support of the writ petition does not spelt out any details disclosing the basis of such apprehension expressed by the petitioner, except stating that there would be mal-practice in selection process for monetary consideration nothing has been stated as to how such mal-practice would take place in the selection. On the basis of self-serving averments, this Court cannot take note of such apprehension, to order that the selection process to be monitored by any independent person or a retired Judge. In case, there is any violation of procedure or any mal-practice in the selection, the selection can be questioned on the basis of specific instance of mal-practice or irregularities in the conduct of selection and the petitioner cannot seek a blanket direction beforehand from this Court on the basis of his apprehension alone. The prayer as sought for in this writ petition appears to be completely mis-conceived and cannot be granted by this Court at this stage.



4. In the above circumstances, the writ petition is not maintainable and the same is without any merits and hence, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
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Chennai-09
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+1 CC to Mr.G.Ilamurugu, Advocate sr 61776.
+1 CC to Govt. Pleader sr 61867.

W.P.No.20955 of 2019

KS (CO)
SP(04/09/2019)