

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.02.2019
CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAN
W.P.No.26517 of 2018
and
W.M.P.No.30860 of 2018

S.Dhanapal

... Petitioner

Versus

1. The Secretary to Government
Home (TR.II.A) Department
Secretariate
Chennai - 600 009.
2. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road
Park Town,
V.O.C. Nagar
Chennai - 600 003.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 2nd respondent from recruiting the Candidates who are Possessing Bachelor's Degree in Engineering Subject without undergoing/Possessing the basic qualification as prescribed under Rule 5 of the Tamil Nadu Transport Sub-ordinate Service Rules namely Diploma in Automobile or Mechanical Engineering (3 years course) for Selection/Appointment to the Post of Motor Vehicle Inspector Grade - II (113 Post) based on the Advertisement No.489, dated 14.02.2018 in Tamil Nadu Transport Subordinate Service (Code No.068) and Consequently direct the respondents to strictly implement and follow the Statutory rule prescribed for selection to the Post of Motor Vehicle Inspector Grade - II in accordance with law.

For Petitioner : Mr.N.Umapathy

For Respondents : Mr.R.S.Selvam
Government Advocate for R1

Mr.M.Loganathan
for R2

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 has to establish a legal right. It is pre-condition that, the person who is approaching the Court must establish a legal right. In the absence of such legal right, no writ can be entertained by this Court. This apart, the very relief sought for is to direct the respondents, 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 Rules governing the post. This being the legal position, this Court is of an opinion that the writ petitioner has not established even a semblance of legal right, so as to entertain the writ petition.

5. Accordingly, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kmm

To

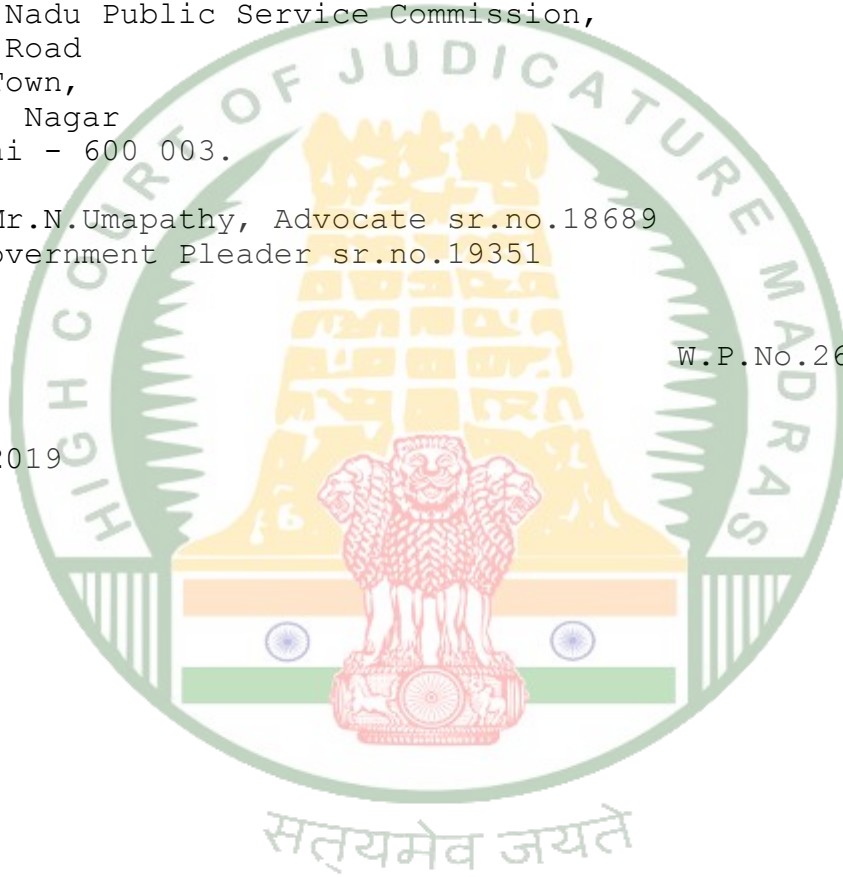
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+lcc to Mr.N.Umapathy, Advocate sr.no.18689
+lcc to Government Pleader sr.no.19351

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cp(co)
nr 29/04/2019



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