



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.3451 of 2010
M.P.(MD).Nos.2 and 3 of 2010

A.Pushparaj .. Petitioner

Vs.

1.The Director,
Rural Development & Panchayat Raj,
Chennai.

2.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

3.Block Development Officer,
Vaiyampatti Panchayat Union,
Tiruchirappalli District.

4.The District Employment Officer,
Tiruchirappalli District,
Tiruchirappalli.

5.The Motor Vehicle Inspector,
O/o. Regional Transport Office,
Manaparai, Tiruchirappalli District.

6.S.John Peter

7.The Superintendent of Police,
Southern Region,
Office of Director of Vigilance & Anti Corruption,
Chennai. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order, issued by the 3rd respondent vide Na.Ka.A1/1867/2008, dated 10.09.2008 and quash the same and consequently direct the 1st respondent to conduct a fresh, fair and impartial interview under his direct supervision for the appointment of Jeep Driver.



For Petitioner

: Mr.K.Mahendran

For Respondents

: Mr.D.Muruganandam for RR1, 2, 4 & 5
Additional Government Pleader

Mr.K.M.Vijayakumar for R3

R6 - No Appearance

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ORDER

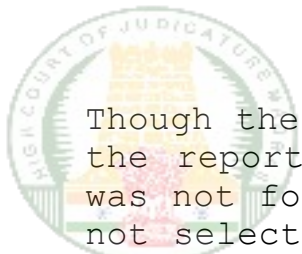
This writ petition is filed for issuance of writ of Certiorarified Mandamus to quash the impugned order passed by the third respondent/Block Development Officer, Vaiyampatti Panchayat Union, Trichy District and consequently direct the first respondent to conduct a fresh, fair and impartial interview under its direct supervision for the appointment of Jeep Driver.

2.By the impugned order, the 6th respondent was appointed as a Jeep Driver for the Chairman of Panchayat Union.

3.The brief facts that are necessary for the disposal of this writ petition are as follows:

The petitioner registered himself at the office of the 4th respondent as driver with his driving licence to drive heavy vehicles. Pursuant to the order of first respondent sanctioning a post of Jeep Driver for the Chairman of Panchayat Union, the third respondent herein called for the list of eligible candidates from the 4th respondent. It appears that a list including the name of the petitioner was forwarded by the 4th respondent. Since the name of 6th respondent was not in the list, which was originally sent to the third respondent, the petitioner challenged the appointment of 6th respondent mainly on the ground that the name of 6th respondent was not recommended by the 4th respondent. It is also contended by the petitioner that the respondents 3 to 5 have intended to appoint the 6th respondent for extraneous reasons.

4.A counter affidavit has been filed by the third respondent pointing out that all the candidates sponsored by 4th respondent were called for interview on 09.06.2008 and that later the interview was postponed to 25.07.2008. It is further stated that the Motor Vehicle Inspector, Grade - I, who conducted the skill test found that all the three candidates who attended the interview did not perform well and that therefore, the appointment committee was not satisfied with the performance of the candidates. It was also pointed out that by the third respondent that the third respondent requested the 4th respondent to send another list of candidates for the post of Jeep Driver, since the earlier list of candidates was found suitable. Thereafter, the 4th respondent appears to have sent a list of five candidates by a letter dated 12.08.2008, including the name of petitioner.



Though the petitioner and two others attended the interview as per the report of Motor Vehicle Inspector Grade I, their performance was not found satisfactory and hence the appointment committee did not select any one of the candidate. It was thereafter a further letter was addressed to the 4th respondent to send another list of candidates for the post of Jeep Driver. The fourth respondent thereafter sent a list of five candidates on 19.08.2008. After serving the intimation to the candidates to attend the interview, it is stated that the 6th respondent, who is also an Ex-service man attended the interview for the post of Jeep Driver on 10.09.2008.

5.The third respondent has also produced before this Court the communications sent from the third respondent's office to the 4th respondent and the list of candidates sponsored by the 4th respondent on 19.08.2008 including the name of the 6th respondent. Hence, the only contention that the appointment of 6th respondent was not through the employment cannot stand and no other point was urged or argued by the petitioner, challenging the appointment of 6th respondent.

6.Hence, this Court find no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

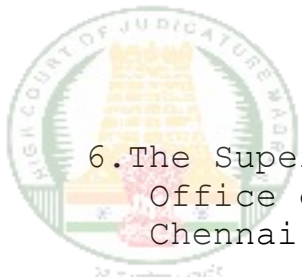
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Sub Assistant Registrar(CS)

TM

To

- 1.The Director, Rural Development & Panchayat Raj, Chennai.
- 2.The District Collector, Tiruchirappalli District,
Tiruchirappalli.
- 3.The Block Development Officer, Vaiyampatti Panchayat Union,
Tiruchirappalli District.
- 4.The District Employment Officer, Tiruchirappalli District,
Tiruchirappalli.
- 5.The Motor Vehicle Inspector, O/o. Regional Transport Office,
Manapparai, Tiruchirappalli District.



6.The Superintendent of Police, Southern Region,
Office of Director of Vigilance & Anti Corruption,
Chennai.

+1 CC to Mr.K. MAHENDRAN, Advocate (SR-101050[F] dated 25/11/2019)

+1 CC to Mr.SPL GP (SR-101139[F] dated 25/11/2019)

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