



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.4966 of 2012

and

M.P (MD)NO.2 of 2012

WEB COPY

P.Muniaraj

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam Division),
Kumbakonam.

2.General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Division), Karaikudi,
Sivagangai District.

... Respondents

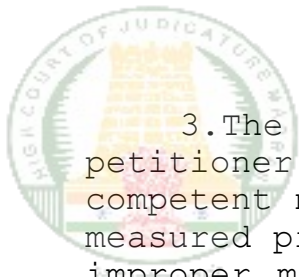
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent TNGSTC/Nee Pee/Pa1/3005 dated 16.07.2011 and quash the same and consequently direct the respondents to appoint the petitioner in the post of the conductor with the respondent Transport corporation.

For Petitioner : Mr.R.Vijayakumar
For R1 & R2 : Mr.K.Sathiyasingh

ORDER

The order of rejection, of the candidature of the writ petitioner for appointment to the post of conductor in proceedings dated 16.07.2011, is under challenge in the present writ petition.

2. The writ petitioner states that he is fully qualified and eligible for appointment to the post of conductor in the transport corporation. He registered his name in the Employment Exchange and was renewing the registration periodically. The name of the writ petitioner was sponsored by the Employment Exchange for selection and appointment to the post of conductor in the transport corporation. The petitioner had participated in the process of selection, however, his case was rejected on the ground that the height of the petitioner was below 160 cm. The minimum required height for selection is 160 cm., as per the terms and conditions of the recruitment. In view of the fact that the petitioner's height was below 160 cm., and hence he was not selected and accordingly, an order of rejection was passed in proceedings dated 16.7.2011.



3.The learned counsel appearing on behalf of the writ petitioner states that another measurement is to be taken by the competent medical board. The height of the writ petitioner was not measured properly. The authorities have conducted a selection in an improper manner and the same resulted denial of the appointment to the writ petitioner in the post of conductor.

4.First of all, the selection was of the year 2011. The writ petitioner was not selected on account of the fact that he was not having the requisite height of 160 cm., Now after a lapse of 9 years, the re-measurement cannot be done and even in case of reaching the height of 160 cm., or the same is measured as of now, the measurement cannot be taken as a valid one with reference to the selection conducted in the year 2011. There is a possibility of increasing in the height also on account of efflux of time. This apart, the learned counsel for the respondent produced the copy of the assessment made by the competent selection committee. The interview committee made an endorsement that the height of the writ petitioner was 159.5 cm., When the selection committee has recorded the fact that the writ petitioner was not possessing the required height of 160 cm., now the same cannot be disputed nor this Court can refer the writ petitioner for a fresh measurement for the purpose of providing appointment in respect of the selection conducted in the year 2011.

5.However, the height measured during the relevant point of time in the year 2011 may not be a conclusive one as of now, and if any fresh notification is issued, the writ petitioner is at liberty to participate in the process of selection and his case should not be rejected on the ground that his height in the year 2011 was 159.5 c.m.,

6. With this liberty the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.S)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to Mr.K.SATHIYA SINGH, Advocate SR-84492.

+1 CC to Mr.R.VIJAYAKUMAR, Advocate SR-84653.

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