



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.[MD]No.572 of 2015

and

M.P. [MD]No.1 of 2015

P.Gobalakrishnan

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to make selection and fill up all posts in the existing vacancies in post of Tradesman as notified in the notification of the respondent No.03/Kum/2014 strictly in accordance with the direction issued by this Court in its orders dated 27.08.2014 in W.P.No.20290 of 2012 and dated 19.12.2014 in W.P.No.33730 of 2014 and to consider the petitioner and give him appointment in the post of Tradesman in the existing vacancies by giving him preference in accordance with the law laid down by the Hon'ble Supreme Court in UPSRTC Case reported in 1995-1 LLN Page 788.

For Petitioner : Mr.S.Arunachalam

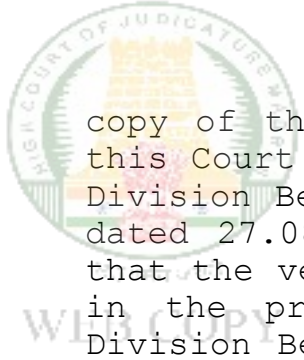
For Respondent : Mr.D.Sivaraman
Standing Counsel

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents to make selection and fill up all posts in the existing vacancies as notified in notification No.03/Kum/2014 strictly in accordance with the directions issued by this Court in its orders dated 27.08.2014 in W.P.No.20290 of 2012 and dated 19.12.2014 in W.P.No.33730 of 2014 and to consider the petitioner and give him appointment in the post of Tradesman in the existing vacancies by giving him preference in accordance with the law laid down by the Hon'ble Supreme Court in UPSRTC Case reported in 1995-1 LLN Page 788.

2.The very relief sought for in the present writ petition is based on the directions issued by this Court on 27.08.214 in W.P. [MD]No.20290 of 2012. The writ petitioner claims that the appointment to the post of Tradesman in the existing vacancies are to be made strictly by following the directions issued by this Court in W.P.[MD]No.20290 of 2012.

3.The learned Standing Counsel for the respondent submitted a



copy of the interim order passed by the Hon'ble Division Bench of this Court on 30th December 2014 in Writ Appeal No.1737 of 2014. The Division Bench of this Court stayed the orders passed by this Court dated 27.08.2014 in W.P.[MD]No.20290 of 2012, in view of the fact that the very order sought to be implemented by the writ petitioner in the present writ petition has already been settled by the Division Bench and the very same relief cannot be considered. This apart, the selection was of the year 2014 - 2015 and now after a lapse of 4 years the procedures for selection also underwent changes and the learned Standing Counsel for the respondent states that there was no recruitment thereafter to the post of Tradesman. Under these circumstances, the very claim set out in the writ petition is untenable.

4.Appointment can never be claimed as a matter of right. Appointments should be made strictly in accordance with the recruitment rules. The respondents are also bound to follow the recruitment rules while undertaking the process, by providing opportunity to all those who are aspiring to secure public employment. This being the legal principle to be adopted, the relief sought for in the present writ petition deserves no merit consideration.

5.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

To

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-72841[F] dated 02/07/2019)

W.P[MD]No.572 of 2015

KK/SAR/02.08.2019/2P-2C/