



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) No.19591 of 2014

and

M.P. (MD) Nos.1 & 2 of 2014

Chinnaiah

... Petitioner

vs.

1.The General Manager

State Express Transport Corporation
Tamilnadu Limited, Chennai-2

2.The Branch Manager

State Express Transport Corporation
Tamilnadu Limited
Trichy Zonal Office, Trichy

3.The District Employment Officer

District Employment Office
Pudukkottai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to make the selection proceeding dated 21.11.2014 for the post of driver cum conductor the interview scheduled on 04.12.2014 as well as of the selection proceeding as per notification No.4/SETC/14 by the 1st respondent dated 03.11.2014 on transferency method.

For Petitioner : Mr.M.Ramu

For Respondents : No appearance for R1 & R2

Mr.D.Muruganandam

Additional Government Pleader for R3

ORDER

The relief sought for in the present writ petition is for a direction to the respondents to make the selection proceedings, dated 21.11.2014, for the post of Driver-cum-Conductor; interview conducted on 04.12.2014 as well as the selection proceedings as per notification, dated 03.11.2014, as improper.

2. The learned counsel for the writ petitioner states that the writ petitioner is a qualified candidate for appointment to the post of driver. The writ petitioner is possessing a valid driving licence as well as conductor licence for the purpose of considering his case for appointment. The writ petitioner registered his name



in the District Employment Exchange concerned and was waiting for employment. His name was sponsored initially, however, he was not selected for the reasons not known to him. During the second selection, his name was not even sponsored by the District Employment Exchange. Contrarily, some other names of the juniors were sponsored and those candidates were appointed by the respondent / Transport Corporation.

3. At the outset, the learned counsel for the writ petitioner states that the sponsorship was made based on some extraneous considerations and in an illegal manner. Therefore, the writ petitioner is to be considered for selection and appointment.

4. This Court is of the considered opinion that the selection of the year 2014 is under challenge in the present writ petition. The selected and appointed candidates are now working as drivers and conductors for the past five years. This apart, in the event of raising any illegality, malpractice or corrupt activities in the process of selection, the writ petitioner has to establish the same through some incriminating evidence enabling this Court to set aside the entire process of selection. In the absence of any such valid proof to show that the selection was conducted in an illegal manner on account of some corrupt activities, this Court cannot issue any orders setting aside the selection or issue a direction to appoint the writ petitioner.

5. All appointments are to be made strictly in accordance with the recruitment rules in force. Equal opportunity in public employment is the constitutional mandate. The sponsorship of the name of candidates by the Employment Exchange is to be done strictly in accordance with the employment seniority and by following the communal rotations, which all are prescribed under the rules. However, the writ petitioner has not established who all are the persons sponsored over and above his name with reference to the communal rotation and rule of reservation. In the absence of any such specific instance, the selection process cannot be set aside.

6. This Court is of the considered opinion that during the second occasion, the name of the writ petitioner was not sponsored and the reasons are not known to the writ petitioner. However, the learned counsel for the writ petitioner states that on account of certain illegal considerations, the names of the rightful candidates were not sponsored. However, now, after a lapse of so many years, in the absence of any specific details, in this regard, this Court cannot invalidate the selection process, which was concluded during the year 2014. If at all any recruitment notification is issued, the writ petitioner is at liberty to participate in the process of selection, in accordance with the rules and strictly with reference to the terms and conditions of the service rules.



7. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To:

The District Employment Officer,
District Employment Office,
Pudukkottai.

+1cc to Mr.M.RAMU, Advocate, SR.No.77551

+1cc to THE SPL.GOV'T.PLEADER SR.NO.77706

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