



WEB COPY

W.P.(MD)No.20867/2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.20867 of 2014

and

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

T.T.Bibin Raj

... Petitioner

-Vs-

The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Center Office, 23/2, Thoothukudi Road,
Kattapomman Nagar, V.M.Chaththiram,
Tirunelveli-627 011.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned recruitment notification No.06/TNV/2014, published in Daily Thanthi Newspaper dated 02.11.2014 passed by the respondent herein insofar as fixing the educational qualification as 'a degree of Arts, Science and Commerce Subjects from the recognized university' and quash the same and consequently, direct the respondent to issue a fresh notification by including 'any degree from the recognized university' including Degree of Bachelor of Engineering (B.E.) as educational qualification for the post of 'Junior Assistant'.

For Petitioner : Mr.D.Srinivasaragavan
For Respondent : No Appearance

ORDER

The recruitment notification published in the newspaper on 02.11.2014, prescribing the educational qualifications of degree in Arts, Science and Commerce subjects from the recognized university for appointment to the post of Junior Assistant, is under challenge in the present Writ Petition.

2.The impugned notification dated 02.11.2014 reveals that the selection and appointment is notified for the post of Junior Assistant in Transport Corporation. Thus, as per the recruitment rules in force, the degree in Science, Arts and Commerce is prescribed as educational qualifications for appointment to the post of Junior Assistant.



3.The writ petitioner is an engineering graduate and passed B.E., (Mechanical Engineering) in First Class in April, 2014. In view of the fact that the engineering graduates are not eligible for appointment to the post of Junior Assistant, the writ petitioner has chosen to challenge the recruitment notification.

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4.The post of Junior Assistant is a ministerial service. Thus, the engineering graduates are not made eligible for appointment to the post of Junior Assistant. Prescription of age limit, educational qualifications and other criterias is the prerogative of the employer concerned and it is a policy decision to be taken by the employer, when an administrative decision is taken to prescribe certain qualification for appointment to a particular post. The said qualification cannot be challenged by a candidate, who is not otherwise eligible and qualified for the post, which is notified. Only in case, if such prescription is unconstitutional, then alone, the power of judicial review can be exercised and not otherwise.

5.In the present case, the writ petitioner, who possessed engineering degree in B.E. Mechanical, claims that he should be made eligible for appointment to the post of Junior Assistant. When notification did not permit the engineering degree holders to participate in the process of selection, this Court cannot issue any direction to the respondent to prescribe the engineering degree as educational qualification for selection and appointment to the post of Junior Assistant. The writ petitioner being B.E. Degree holder, has to aspire for a post for which he is eligible and not for each and every posts. Qualification prescribed must have some nexus with the job profile and job responsibility.

6.This apart, the notification was issued in the year 2014 and the process of selection also had been completed and the writ petitioner has not established any acceptable legal ground for the purpose of interfering with the process of selection.

7.Accordingly, this Writ Petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



To

Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Center Office, 23/2, Thoothukudi Road,
Kattapomman Nagar, V.M.Chaththiram,
Tirunelveli-627 011.

+1 CC to Mr.D.SRINIVASARAGAVAN, Advocate SR-84417.

W.P. (MD) No.20867 of 2014
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