



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.20463 of 2017

and

W.M.P(MD)No.16735 of 2017

G.Velmurugan

... Petitioner

Vs.

1. Director of Milk Production and Dairy Development,
Madavaram,
Chennai-600 01.

2. The General Manager,
Dindigul District Co-op Milk Producers Union,
No.9, East Govindapuram,
Dindigul-624 001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to forbear the second respondent from making any appointment to the post of Manager (Admin) and further direct him to issue necessary instruction to the second respondent to conduct a fresh selection process to the said post by following his proceedings Rc.No.4773/2013/N1 dated 17.07.2017.

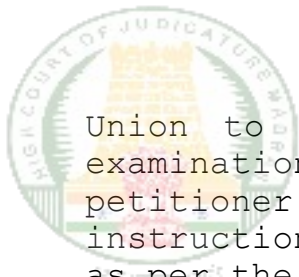
For Petitioner : Mr.M.E.Ilango

For Respondents : Mr.E.Mareeskumar

ORDER

This writ petition is filed for a direction to the first respondent to forbear the second respondent from making any appointment to the post of Manager (Admin) and further direct him to issue necessary instructions to the second respondent to conduct a fresh selection process to the said post by following his proceedings in Rc.No.4773/2013/N1 dated 17.07.2017.

2. The second respondent issued a Notification, dated 25.01.2017, calling for application for appointment to the post of Manager (Admin). As per the said Notification, 50 marks for written examination, 40 marks for academic qualification and 10 marks for oral interview. The first respondentn by the proceedings, dated 17.07.2017n instructed all the District Co-operative Milk Producers



Union to follow the selection by adopting 85 marks for written examination and 15 marks for interview. The grievance of the petitioner is that the second respondent without following the said instructions dated 17.07.2017, had conducted the selection process as per the earlier Notification.

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3. The second respondent filed a counter and contended that the Notification was issued on 25.01.2017 and originally, the written test was fixed on 09.04.2017 and the same was postponed to 23.07.2017. The employment Notification dated 25.01.2017 is prior to the special bye-law amendment dated 17.07.2017. The second respondent sought for a clarification from the first respondent and got an exemption of special bye-law amendment and conducted the selection as per the Notification issued on 25.01.2017. As per the Notification dated 25.01.2017, 335 applications were received. Out of 335 applications, 215 candidates were called for written test and 146 candidates only appeared for the written test and other 69 candidates were absent in the written test. Out of 146 candidates, first 10 candidates were called for interview based on the marks obtained by them in the written test and one Nirubankumar was appointed as Manager (Admin) and prayed for dismissal of the writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 and 2 and perused the materials available on record.

5. From the materials on record, it is seen that the second respondent issued a Notification dated 25.01.2017, for appointment to the post of Manager (Admin) specifying the method of selection. Subsequent to said notification, the special bye-law was amended. The first respondent instructed all the District Co-operative Milk Producers Union to follow selection process for selection to any post, with 85 marks for written test and 15 marks for interview. Since the selection process had already been initiated and Notification issued prior to the date of amendment, the second respondent sought for exemption from the amended bye-laws from the first respondent. The second respondent conducted selection process as per the Notification dated 25.01.2017. The petitioner also participated in the selection process. The learned counsel appearing for the second respondent produced the exemption granted by the first respondent to the second respondent with regard to selection as per notification dated 25.01.2017.

6. In view of the exemption granted by the first respondent, the petitioner is not entitled for the relief sought for in the writ petition.



7. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

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Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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TO

1. Director of Milk Production and Dairy Development,
Madavaram,
Chennai-600 01.

+1CC TO MR.E.MAREESKUMAR, Advocate Sr. No.93406
+1CC TO MR.M.E.ILANGO, Advocate Sr. No. 93634

W.P. (MD) No.20463 of 2017
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SCR(CO)

TR(08.11.2019) 3P 4C