

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 30636 OF 2013

AND

M.P. NO. 1 OF 2013

M.Vijay Anand

.. Petitioner

- Vs -

1. The State of Tamil Nadu rep. By
Addl. Chief Secretary to Government
Environment & Forest Department
Secretariat, Chennai - 6.
 2. The Tamil Nadu Pollution Control Board
rep. By the Chairman
No.76, Anna Salai, Chennai - 32.
 3. The District Employment Officer
Chennai.
- .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to select the petitioner for appointment to the post of Assistant Engineer in the Office of the 2nd respondent with effect from the date of appointment given to the candidates who got their name registered in the office of the 3rd respondent after the petitioner's registration with all monetary and service benefits.

For Petitioner : Mr. Akshai Sajan Kumar, for
Ms. M.Srividhya

For Respondents: Mr. S.Thangavel, Spl. GP for RR-1 & 3
Ms.Rita Chandrasekaran for R-2

ORDER

It is the case of the petitioner that he obtained Bachelor's and Master's Degree in Petrochemical Engineering from Anna University. Vide G.O. Ms. No.157, dated 27.8.13, in compliance of the orders of this Court in W.P. Nos.16112/2012, etc., the Government of Tamil Nadu has declared that M.Tech in

Petroleum Refining and Petrochemicals as equivalent to M.Tech Chemical Engineering. It is the case of the petitioner was not considered by the 2nd respondent on the ground that the degree which the petitioner has obtained is not equivalent to B.Tech Chemical Engineering. Against the said decision, the petitioner filed W.P. No.25092/13 which was disposed of on 6.9.13 and even prior to that the equivalence of the two degrees were confirmed vide G.O. Ms. No.157 dated 27.8.13.

2. It is the further case of the petitioner that the petitioner was not appointed while persons junior to the petitioner in the employment exchange seniority were appointed by the 2nd respondent. Hence, the present petition has been filed by the petitioner for a direction to the 2nd respondent to appoint the petitioner with all monetary and service benefits.

3. Learned counsel appearing for the petitioner reiterated the submissions as raised in the grounds and submitted that the petitioner's name ought to have been sponsored by the employment exchange for being appointed and non-sponsoring of his name has precluded the petitioner from being appointed in the 2nd respondent Board. Therefore, it is prayed that necessary direction be issued to the 2nd respondent to appoint the petitioner with all monetary and service benefits.

4. On the above contentions, this Court heard the learned counsel appearing for the respective respondents.

5. Even at the very outset, it is to be stated that the relief sought for by the petitioner is not maintainable. The names of persons, who have been sponsored by the employment exchange have been taken into consideration and appointments have been made by the 2nd respondent. The appointments made by the 2nd respondent is through a process of selection on the names being sponsored by the employment exchange. Without the employment exchange sponsoring the candidature of the petitioner, giving a positive direction to the 2nd respondent to appoint the petitioner would be wholly impermissible. The relief sought for by the petitioner is wholly misconceived and not maintainable. The relief for the petitioner lies elsewhere and definitely not with the 2nd respondent for appointing him in the post of Assistant Engineer. Therefore, this Court is of the considered opinion that the relief sought for by the petitioner in the present petition is not maintainable and it deserves to be dismissed.

6. Accordingly, the writ petition stands dismissed. However, it is made clear that this order will not stand in the way of the petitioner to participate in the selection process for the future appointments either with the 2nd respondent or

with other Departments of the Government on his name being sponsored by the employment exchange.

7. This writ petition is dismissed with the aforesaid observation. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Addl. Chief Secretary to Government
Environment & Forest Department
Government of Tamil Nadu
Secretariat, Chennai - 6.
2. The Chairman
Tamil Nadu Pollution Control Board
No.76, Anna Salai, Chennai - 32.
3. The District Employment Officer
Chennai.

+1 cc to Government Pleader Sr.No. 25180

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A.SK(06/08/2020)

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