



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .Nos.12087 and 12090 of 2014

and

MP(MD)Nos.1 and 1 of 2014

WEB COPY

1.E.Ganapathy ... Petitioner in W.P.(MD)No.12087 of 2014
2.T.Madasamy ... Petitioner in W.P.(MD)No.12090 of 2014

-Vs-

1.The General Manager,
(Appointment Section)
Tamil Nadu State Transport Corporation,
Thirunelveli Region,
Thirunelveli.

2.The Secretary,
Tamil Nadu State Transport Department,
Secretariat, Chennai-9.

3.The Secretary,
Department of Employment and Training,
Government of Tamil Nadu,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai-32. ... Respondents in both petitions

Prayer in W.P.(MD)No.12087 of 2014: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the interview call letter as per proceedings in Ku.No.12033/Niya7/TNSTC/Thili/2014, dated 01.02.2014 and quash the same as to the onerous condition of requirement of apprenticeship with Tamil Nadu State Transport Corporation and consequently direct the first respondent to issue the appointment order to the petitioner as Technician/Fitter in State Transport Corporation of the first respondent.

Prayer in W.P.(MD)No.12090 of 2014: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the interview call letter as per proceedings in Ku.No.12033/Niya7/TNSTC/Thili/2014, dated 01.02.2014 and quash the same as to the onerous condition of requirement of apprenticeship with Tamil Nadu State Transport Corporation and consequently direct the first respondent to issue the appointment order as Technician/Mechanic (Motor Vehicle) in State Transport Corporation of the first respondent.



For Petitioner
(in both W.Ps)

:Mr.A.John Vincent

For Respondents
(in both W.Ps)

:Mr.K.Sathiyasingh
Standing Counsel (for R1)
Mr.P.Mahendran
Additional Government Pleader
(for R2 and 3)

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COMMON ORDER

The interview call letter issued to the writ petitioners, in proceedings, dated 01.02.2014, is under challenge in these writ petitions. Further, a direction is sought for to direct the first respondent to issue a assessment order of the writ petitioners as Technician/Fitter and Technician/Mechanic (Motor Vehicle) in the State Transport Corporation of the first respondent.

2.The writ petitioners state that the first respondent conducted the process of selection for appointment to the post of Fitter and Mechanic (Motor Vehicle) in the State Transport Corporation.

3.The learned counsel appearing on behalf of the writ petitioners made a submission that the petitioners are fully qualified for appointment to the post of Fitter and Mechanic (Motor Vehicle) in the State Transport Corporation. The petitioners participated in the process of interview along with the original documents. The claim of the writ petitioners are that they underwent apprenticeship training under the Apprentice Trainee Act in the company, in which, apprenticeship training was taken as a recognised one by the National Council for Vocational Training (NCVT). However, the respondents have not considered the case of the writ petitioners based on the apprenticeship training underwent by them.

4.Mere inviting a candidate for interview or process of selection could not confer any right to seek appointment. The call letter issued by the respondents would not be a ground to seek appointment. No doubt, the writ petitioners participated in the process of interview, but, they were not selected. The writ petitioners cannot claim that they underwent apprenticeship training and therefore, they must be appointed. Mere apprenticeship training would not confer any right to claim any priority. Apprenticeship training is provided under the Apprenticeship Act to get skill in a particular job. However, the said apprenticeship training is not a conclusive factor for the purpose of securing appointment.

5.All appointments are to be made strictly in accordance with the rules in force. Opportunity to participate in the process of selection was provided to the writ petitioners, however, they were



not selected. The non-selection is questioned on the ground that the respondents had not considered the apprenticeship training underwent by the petitioners. There cannot be any priority for apprenticeship trainee unless the rules provides for such priority. Apart from this, mere apprenticeship trainees cannot be a ground to appoint the persons. The process of selection is to be conducted with reference to the recruitment notification issued and in accordance with the rules governing the post for which, the selection process is conducted.

6.This being the principles to be followed, the writ petitioners have not established any acceptable legal grounds for the purpose of granting the relief as such sought for in these writ petitions.

7.Accordingly, these writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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To

1.The Secretary,
Tamil Nadu State Transport Department,
Secretariat, Chennai-9.

2.The Secretary,
Department of Employment and Training,
Government of Tamil Nadu,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai-32.

+1 CC to Mr.K.SATHIYASINGH, Advocate (SR-21421[F] dated 06/11/2020)

+1 CC to SPL GP (SR-21478,21477[F] dated 06/11/2020)

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