



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

THE HONOURABLE **MR. JUSTICE S.M. SUBRAMANIAM**

W.P. (MD) No. 2676 of 2014

WEB COPY

M. Raju

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary,
Transport Department,
Fort. St. George,
Chennai - 9.

2. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Tirunelveli Division,
Tirunelveli.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings, dated 13.01.2014 பார்வை 5712 /நிய7/தஅபோக/திலி/2012 passed by the 2nd respondent and quash the same and consequently, direct the 2nd respondent to appoint the petitioner as Technician (Mechanic Motor Vehicle) in the 2nd respondent.

For Petitioner : Mr. V. Sasikumar

For Respondent-1 : Mr. C. M. Mari Chelliah Prabhu
Addl. Govt. Pleader

For Respondent-2 : Mr. K. Sathiya Singh

ORDER

The order impugned, dated 13.01.2014, rejecting the claim of the writ petitioner for appointment to the post of Technician (Mechanic Motor Vehicle) in the 2nd respondent State Transport Corporation is under challenge in the present writ petition.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the petitioner had completed 10th Standard and thereafter, Higher Secondary Course. He passed Industrial Training Course in Industrial Training Institute and completed the course in the year 2000. The petitioner got the Provisional National Trade Certificate in the Trade of Mechanical



(Motor Vehicle) in July 2001. Accordingly, the petitioner is fully qualified for the post of Technician (Mechanic Motor Vehicle).

3. The learned counsel for the writ petitioner made a submission that the candidates, who studied in a private Industrial Training Institute were already appointed and therefore, the case of the petitioner would also be considered for appointment to the post of Technician (Mechanic Motor Vehicle). However, the order impugned states that the writ petitioner participated in the process of interview and he was unsuccessful in the process of selection. Thus, he was not appointed.

4. Mere participation in the process of selection would not confer any right on the candidates to seek appointment. The petitioner participated in the process of interview. He was not selected. Thus, the relief as such sought for to direct the respondents to appoint the writ petitioner in the post of Technician (Mechanic Motor Vehicle) cannot be considered.

5. All appointments are to be made strictly in accordance with the Rules in force. Equal opportunity in public appointment is the constitutional mandate. Even in case, any illegality occurred in the process of selection, the said illegality or irregularity must be challenged with relevant records and proof. In the absence of any such proof to establish any illegalities in the process of selection, the petitioner cannot seek any direction, seeking appointment to the post of Technician (Mechanic Motor Vehicle). The allegation stated by the petitioner that some other candidates were appointed cannot be accepted in view of the fact that there is no such specific allegation or document in support of the said allegation. In this view of the matter, the relief as such sought for to appoint the writ petitioner to the post of Technician (Mechanic Motor Vehicle) cannot be granted and accordingly, the writ petition is devoid of merits and stands dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

MPK
To

1. The Secretary,
The State of Tamil Nadu
Transport Department,
Fort. St. George,
Chennai.

<https://hcservices.hcscourt.gov.in/hcservices/>



2. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Tirunelveli Division,
Tirunelveli.

WEB COPY
+1 CC to SPL GP (SR-21017[F] dated 03/11/2020)

+1 CC to Mr.V. SASIKUMAR, Advocate (SR-21081[F] dated 04/11/2020)

+1 CC to Mr.K. SATHIYA SINGH, Advocate (SR-21055[F] dated
04/11/2020)

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