

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.19520 of 2014

ORDER

This writ petition is filed seeking the following relief:

“to Issue a Writ of Mandamus declaring the action of the respondents in not appointing to the post of Deputy Director (Legal) as illegal, arbitrary and unconstitutional and consequently direct the respondent to appoint the petitioner to the post of Deputy Director (Legal)/Sr.Joint Director/Joint Director (Legal) as the petitioner is eligible to be appointed at this post in view of his qualification/experience specially LL.M as requisite by IRDA in one of its advertisement. Further there is no enough representation of SC Community in that cadre (Sr.Joint Director/Joint Director(Legal) as thought fit by IRDA while selecting Sh DLN Murty (Supra) despite his having failed in the Written Examination and pass such other and further order/orders as this Hon'ble Court may deems fit, just and proper in the circumstances of the case and in the interest of justice.”

Heard Sri N.B.Sudarshan, learned counsel for the petitioner, and Sri B.Nalin Kumar, learned Standing Counsel appearing for the respondent.

It is the case of the petitioner that he belongs to SC community. Pursuant to the notification dated 07.10.2011 issued by the respondent, he applied for the post of Deputy Director (General) and fared well in the selection process. Though he is the highest qualified person, the respondent has not appointed him to the said post. Further, the respondent has not filled the said post with any candidate.

Learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the respondent to consider the case of the petitioner for appointment to the post of Deputy Director (General) in accordance with Rules.

Learned Standing Counsel appearing for the respondent contended that the case of the petitioner was considered and he was called for the interview and the selection committee had found that the petitioner is not suitable for the said post. It is further contended that when once the petitioner has participated in the selection process, he cannot turn around and say that the selection was conducted arbitrarily and unfairly. In support of his contention, he placed reliance on the judgment of the Apex Court in *Madras Institute of Development Studies and another vs. K.Sivasubramanian and others*<sup>1</sup>. It is further contended that this Court cannot sit in an appeal over the selection committee and adjudicate the matter. It is for the selection committee to assess the suitability of the petitioner. When the selection committee has found that the petitioner is not suitable for the post of Deputy Director (General), this Court cannot give a direction to the respondent to consider the case of the petitioner for

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<sup>1</sup> (2016) 1 SCC 454

appointment to the said post. There are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that when once the selection committee found that the petitioner is not suitable for the post of Deputy Director (General), this Court cannot sit in an appeal over the selection committee and give a direction to the respondent to consider the case of the petitioner for appointment. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, pending, if any, shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*Date:06.01.2020*  
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