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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.Nos.38335 of 2005 and 475 of 2007
and
WPMP Nos.41020 and 41021 of 2005
and
M.P.No.2 2007

1. R.Sundaresan
2. A.Ejil
3. R.Muthukumar
4. R.Venkataraman
5. Uthirapathy
6. Adinarayanan ...Petitioners in W.P.No.38335 of 2005

R.Sundaresan ...Petitioner in W.P.No.475 of 2007

Vs.

1. The Director,
Employment Exchange and Training
Pondicherry Union Territory,
Pondicherry.

2. The Managing Director,
Pondicherry Road Transport
Corporation Ltd.,
40, Kuber Salai,
Pondicherry 605 001. ...Respondents 1&2 in both W.Ps
3. Veerapandian
4. Govindarajan
5. Sandirasagarane
6. Xavier Francis
7. Sivasankaran
8. Balamurugan ...Respondents 3 to 8 in W.P.No.38335 of 2005

Prayer in W.P.No.38335 of 2005: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent not to go ahead with the appointment of selection list, dated 10.11.2005 for the post of conductor and to declare that the appointment is illegal and consequently direct the 2nd respondent to consider and select the petitioners for the post of conductor overlooking the respondents 3 to 8 in the region of Pondicherry Union Territory.



Prayer in W.P.No.475 of 2007: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the advertisement in No.481/info/Advt/2006-07, dated 13.11.2006 published in Daily Thanthi paper/Pondicherry Edition by the 1st respondent and quash the same as illegal arbitrary and against law and direct the 2nd respondent to appoint qualified person by following the procedure established for the post of Conductor etc.

For Petitioners

in W.P.No.38335 of 2005 : Mr.D.Veerasekaran

in W.P.No.475 of 2007 : Mr.A.Thiyagarajan

For Respondents
in both W.Ps

: Mr.R.Syed Mustafa, (for R1)
Special Government Pleader
(Pondy)

Mr.A.R.Nixon (for R2)

COMMON ORDER

Aggrieved over the non selection for the post of Conductors by the respondents, the petitioners have approached this Court.

2. The 2nd respondent Transport Corporation has conducted selection for the post of Conductors. The petitioners were also called for an interview and produced their credentials showing their full eligibility to get selected. However, they were not selected. Aggrieved over the same, they have approached this Court.

3. The 2nd respondent has denied the allegations contended that the selection process was conducted in a regular manner. As per rule, the candidates were called for in 1:20 ratio, i.e., for one post twenty candidates are called for. Thus, for 32 vacancies, they have called for 640 candidates from the employment exchanges. 59 names were sponsored by Pondicherry employment Exchange and 26 names were sponsored by Karaikkal exchange, and together 85 names were recommended by the employment exchanges. Therefore, they have issued a public Advertisement calling for applications from the candidates, thereby 125 candidates have applied for the post. The selection was made from the candidates applied, by duly constituting a Regular Selection Committee consisting of General Manager, Managing Director, Manager (Administration) and Assistant Engineer (In charge, Transport wing). Based on the performance of the candidates and the oral interview, the candidates were selected on merits. Those candidates who had



secured high marks were selected and the petitioners who had secured lesser marks were not selected. Therefore, there was no discrimination on the grounds of nativity and educational qualification etc., as alleged by the petitioners. The Selection was completed in the year 2005 itself and the selected candidates joined the post and performing their duties for the past 16 years. It is, therefore, the selection at this distance of time, cannot be interfered with.

4. On considering the submissions, it is inferred that even though the petitioners had participated in the interview, they were not found fit and not meritorious than the selected candidates. There is no allegations of corruption or irregularities on the part of the respondents. Apart from calling for the candidates from the employment Exchanges, they had also issued public notification calling for application from open market. After completion of Selection which had taken place 15 years back, at this distance of time, even assuming the selection is set aside, it will not entitle the petitioners to get appointment as they have crossed 50 and more years of age. They will be unqualified to apply and participate in selection. Thus, there is no useful purpose in issuing a direction to the respondents concerned to conduct a fresh selection. By this time, several selection and appointments would have been done by the respondents. At this distance of time, the prayer of the petitioners not to ahead with the selection and to consider the petitioners has become infructuous and unenforceable. The prayer has become futile. The Writ Petitions are dismissed accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
Employment Exchange and Training
Pondicherry Union Territory,
Pondicherry.



2. The Managing Director,
Pondicherry Road Transport
Corporation Ltd.,'
40, Kuber Salai,
Pondicherry 605 001.

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+1cc to Mr.S.Ramesh Kumar, Advocate, S.R.No.34518
+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.34565
+2ccs to Mr.A.R.Nixon , Advocate, S.R.No.34568,34569

W.P.Nos.38335 of 2005 and 475 of 2007 and
WPMP Nos.41020 and 41021 of 2005
and M.P.No.2 2007

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NSK 29/09/2021