

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.No.750 of 2015
and MP.No.1 of 2015

M.Bharanikumar

.. Petitioner

-vs-

1.The Government of Tamilnadu,
rep. by its Secretary,
Transport Department,
Fort St. George,
Chennai - 9.

2.Metropolitan Transport Corporation Ltd.,
rep. by its Managing Director,
Pallavan Illam, Anna Salai,
Chennai - 2.

3.The General Manager,
Metropolitan Transport Corporation Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 2.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration, declaring that Rule 14(a), 16, 57 and 59 read with Appendix-I and II of the Common Service Rules/General Rules of the 2nd respondent Corporation relating to selection and appointments to various posts in their Corporation by direct recruitment in so far as not specifically notifying the method and procedures for selection and leaving it to the discretion of the Selection Committee and making selections and appointments only based on the oral interview, that too without framing and notifying any rules or guidelines for the conduct of oral interview and the advertisements given by them in Advertisement Nos.1, 2, 3, 4 and 5/MTC/2014 dated 2.11.2014 for filling up various posts by direct recruitment in the existing vacancies only by holding oral interview based on the above rules and making selection and appointment based on the same, as illegal and unconstitutional and consequently direct the respondents to make selection and appointments to all the posts which are to be filled by direct recruitment either based on the marks obtained by the candidates in the general and technical qualification prescribed for each

post or by holding a written examination based on a Syllabus and question paper in commensurate with the qualifications prescribed for each post through a recruitment agency to be appointed for this purpose based on the ranking and merit in the writ Examinations, after notifying the selection procedures to the candidates at the time of calling for applications, itself.

For Petitioner : Mr.V.Ajoy Khose
For Respondents : Mr.G.K.Muthukumar
Spl. Government Pleader
for respondent No.1
: Mr.K.Moorthy
for respondent Nos.2 and 3

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

Although certain rules of the Common Service Rules of the second respondent Corporation are challenged in this writ petition, it is submitted on behalf of the writ petitioner that the matter may be disposed of in terms of the order passed in W.P.No.20290 of 2014 (J.Kovaisamy v. State of Tamil Nadu, rep. by its Secretary, Employment and Training Department, Chennai-9 and others) dated 27.08.2014 as affirmed subject to a minor modification in W.A.No.1737 of 2014 (The General Manager, Tamil Nadu Transport Corporation (Chennai) Limited, Pallavan House, Chennai-2 v. J.Kovaisamy and others) dated 20.06.2019.

2. Learned counsel appearing for the respondents agree that this writ petition may be disposed of in terms of the orders passed in the matters referred to above.

3. Accordingly, W.P.No.750 of 2015 is disposed of on the same lines as W.P.No.20290 of 2014, dated 27.08.2014 as affirmed subject to the minor modification in W.A.No.1737 of 2014, dated 20.06.2019. The directions contained in paragraph 29 of the order in W.P.No.20290 of 2014, dated 27.08.2014 as modified by the directions in paragraphs 19 and 20 of the judgment in W.A.No.1737 of 2014 shall be implemented within a period of three months from the date of receipt of a copy of this order. There will be no order as to costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-

Assistant Registrar (CS.VII)

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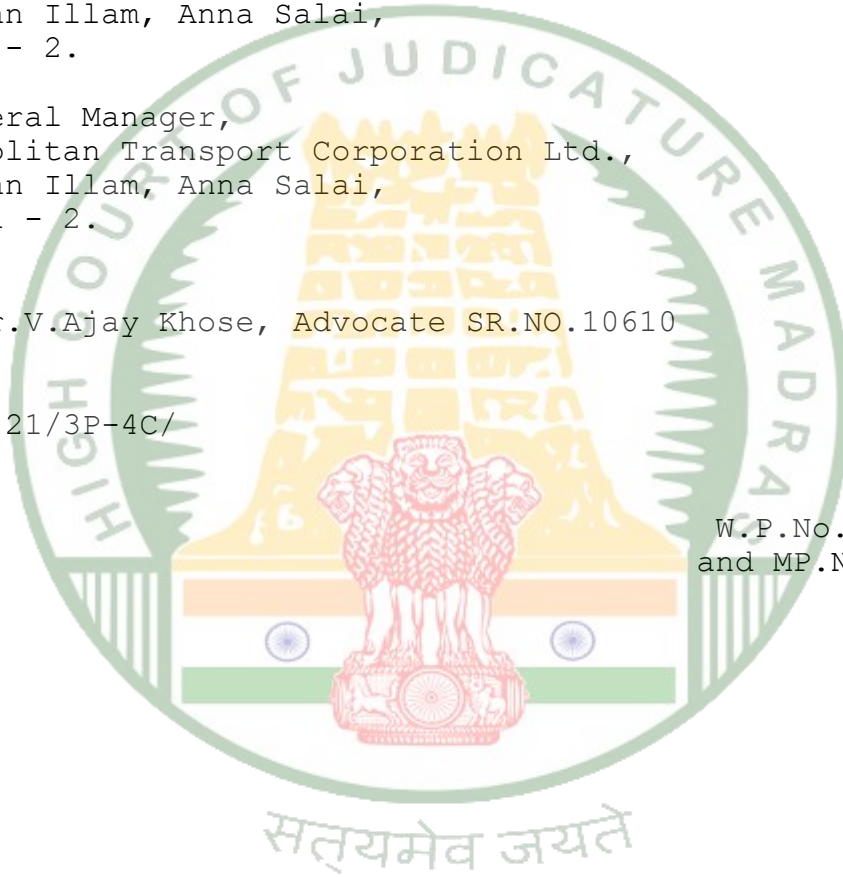
Sub Assistant Registrar

To:

- 1.The Secretary,
Government of Tamilnadu,
Transport Department,
Fort St. George,
Chennai - 9.
- 2.The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 2.
- 3.The General Manager,
Metropolitan Transport Corporation Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 2.

+1cc to Mr.V.Ajay Khose, Advocate SR.NO.10610

AKM/05.03.21/3P-4C/



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and MP.No.1 of 2015
19.02.2021

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