



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)No.1096 of 2012

and

M.P(MD)Nos.1 to 3 of 2012

Manikandan

... Appellant/Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Madurai) Limited,
Rep. by its Managing Director,
Bye-Pass Road, Madurai - 625 010.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Region, Bye-Pass Road,
Madurai - 625 010.

3.The Chairman,
Regional Medical Board,
Government Theni Medical College Hospital,
Theni.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 16.11.2012 made in W.P(MD)No.12649 of 2012 on the file of this Court.

Prayer in WP(MD). 12649/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to re-measure the petitioner's height in the light of Certificate issued by Chairman of Regional Medical Board, Government Theni Medical College Hospital, Theni, dated 15.09.2012 and consequently direct the respondents to allow the petitioner to participate in the selection process including interview for the appointment to the post of Reserve Crew Conductor and appoint the petitioner in the post of Reserve Crew Conductor and appoint the petitioner in the post of Reserve Crew



Conductor in the Tamil Nadu State TRansport Corporation (Madurai) ltd., if the petitioner have the required height.

For Appellant : Mr.A.Rahul

For RR 1 & 2 : Mr.J.Senthil Kumariah

WEB COPY

JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

The Writ Appeal is filed challenging the order, dated 16.11.2012 passed by the learned Single Judge in W.P(MD)No.12649 of 2012, refusing to direct the respondents to re-measure the appellant's height in the light of the certificate issued by the Chairman of Regional Medical Board, Government Theni Medical College Hospital, Theni on 15.09.2012.

2.It has been specifically found by the learned Single Judge that the appellant had obtained the above measurement from the Medical Board without any direction from this Court. It is also further observed by this Court that to measure a height one cannot have any special expertise and the authorities have already done and rejected the appellant as disqualified. In the absence of any direction, if the appellant had on his own accord got his height certified from the Board, the same is not binding on anybody. Therefore, it was refused to interfere under Article 226 of the Constitution of India.

3.As we are also in agreement with the same, the Writ Appeal is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ps



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Tamil Nadu State Transport Corporation
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W.A(MD)No.1096 of 2012
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KM (04.03.2021) 3P 4C