



W.P.No.4943 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.4943 of 2020 &
W.M.P.No.5848 of 2020

B.Kumaravel

... Petitioner

Vs

1.The Basin Manager,
Frontier Basin,
O.N.G.C.,
I.D.T. Campus,
Kovlagarh Road,
Dehradun - 248 195.

2.The Chairman / Director,
Cauvery Basin,
Basin Manager, O.N.G.C.,
Egmore, Chennai - 600 008.

3.The Manager,
Recruitment and Promotion Section,
O.N.G.C., Southern Sector,
Egmore, Chennai - 600 008.

4.The Additional Director (H.V.D.T.),
I.R.T., Gummidipoondi,
Thiruvallur District - 601 201.

... Respondents



W.P.No.4943 of 2020

WEB COPY

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent dated 24.01.2020 proceeding NO.CHN/R&P/Rectt/SkillTest/2019 and quash the same and direct the respondents to treat the petitioner as qualified in driving skill and remaining selection process with full marks and further direct the third respondent to select and appoint the petitioner as Junior Fireman and to fix appropriate place of Seniority by granting all consequential service and monetary benefits.

For Petitioner ... Mr.A.Shanthi

For Respondent 1, 2 & 3 ... Mr.Mohammed Fayaz Ali,
Standing Counsel

For Respondent 4 ... No appearance

ORDER

This writ petition has been filed challenging the rejection order dated 24.01.2020, under which, the petitioner has been informed that his application seeking for appointment to the post of Junior Fireman has been rejected on the ground that he has failed the driving test conducted by the institute of Road Transport , Gummidipoondi, (Government Agency).



W.P.No.4943 of 2020

2. Heard Mrs.A.Shanthi, learned counsel for the petitioner and Mr.Mohammed Fayaz Ali, learned standing counsel appearing for the respondents 1, 2 & 3.

3. The petitioner contends that the reason for rejection is arbitrary and illegal as according to him, only on the instructions of the fourth respondent, he had driven the vehicle properly and despite the same, under the impugned order, it has been wrongly informed that he has failed the driving test.

4. A categorical assertion has been made by the respondents in the impugned order dated 24.01.2020 as well as in the counter affidavit filed by them that the petitioner has failed the driving test. No contra evidence has been produced by the petitioner before this Court that he drove the vehicle properly on the date when the driving test was conducted, though he may assert that only on the instructions of the fourth respondent, he had driven the vehicle in a proper manner.



W.P.No.4943 of 2020

5. When the matter was listed for admission before this Court on 28.02.2020, a direction was issued to the respondents to keep one post vacant for the petitioner for a period of two weeks to enable the respondents to enter appearance in the writ petition, within such time. The said interim order was not extended after the expiry of two weeks from 28.02.2020 till date. Therefore, as on date, the interim protection granted to the petitioner on 28.02.2020 does not survive.

6. It is also brought to the notice of this Court by the learned Standing Counsel appearing for the respondents 1, 2 & 3 that even prior to the passing of interim order in this writ petition on 28.02.2020 in W.M.P.No.5848 of 2020 in W.P.No.4943 of 2020, the selection process got finalised for OBC quota to which the petitioner belongs. Learned Standing Counsel also drew the attention of this Court to the selection list dated 09.01.2020 which has been filed as a document along with this writ petition and would submit that the petitioner is very well aware even before the filing of this writ petition that the selection to the post of Junior Fireman under the OBC quota has got finalised. Unless and until, the petitioner is able to establish before this Court through clinching evidence that he has



W.P.No.4943 of 2020

passed the driving test successfully, the petitioner's statement that he had passed the driving test successfully cannot be accepted by this Court, in view of the fact that the respondents have categorically contended that the petitioner has failed the driving test. Since no clinching evidence has been produced before this Court, this Court while exercising powers under Article 226 of the Constitution of India, cannot make a roving enquiry and decide otherwise.

7. Further since the selection process had already attained finality for the OBC quota even prior to the filing of this writ petition, the question of entertaining this writ petition at this stage, that too, after a lapse of more than two years will not arise.

8. For the foregoing reasons, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2022

nl

Index: Yes/ No
Speaking Order/Non-speaking Order

5/6



WEB COPY



W.P.No.4943 of 2020

ABDUL QUDDHOSE, J.

nl

W.P.No.4943 of 2020

28.11.2022