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W.P. No. 8611 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 8611 of 2023

and

W.M.P. Nos. 8780 and 8781 of 2023

D.Karthick

... Petitioner

-VS-

1. The Secretary,
Department of Rural Development and Panjayatraj,
Secretariat, Fort St. George, Chennai – 600 009.

2. The Secretary,
Tamil Nadu Public Service Commission,
T.N.P.C. Road, V.O.C Nagar, Park Town,
Chennai – 600 003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned TNPSC Road Inspector Recruitment 2023 – Notification dated 13.01.2023 issued by the First Respondent and quash the same and consequently, direct the Respondents herein to invite the application forms from the I.T.I (Civil) Draftsman Certificate Holder only to fill vacancies for the post of Road Inspector Recruitment Post.

For Petitioner

: Mr. Gajendran



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For Respondents

: Mrs. R.Anitha
Special Government (for R1)

Mr. R.Bharanidharan (for R2)

ORDER

Heard Mr. Gajendran, Learned Counsel for the Petitioner and Mrs. R.Anitha, Learned Special Government Pleader appearing for the First Respondent and Mr. R.Bharanidharan, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that the Second Respondent has published a notification calling upon for online applications from eligible candidates to fill up vacancies to the post of Road Inspector in the services of the Government of Tamil Nadu, but he does not possess qualifications prescribed for appointment to that post. According to him, it is the obligation of the Respondents to provide employment opportunities to persons like him, who have passed ITI Civil Draftsmanship or Diploma in Civil Engineering by appointing them against the said posts before filling up the vacancies with those holding the prescribed qualifications as per the relevant rules.



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3. It is beyond cavil that it is the prerogative of the employer to stipulate the eligible conditions and qualifications for any post and the same cannot be subjected to judicial scrutiny unless it is shown to be arbitrary or does not have any nexus with the nature of the duties required to be performed by the incumbents in that post. It is not possible, by any stretch of imagination, to direct the Respondents to fill up the vacancies in a post with qualifications that are not prescribed under the relevant rules merely to provide employment opportunities to persons, who hold some other qualifications, like the Petitioner in this case.

4. That apart, as per Rule 13(vi) of the Writ Rules of the Madras High Court Writ Rules, 2021, which have come into effect from 08.09.2021, mandatorily requires that a copy of the impugned order in original has to be produced for entertaining the Writ Petition and its production can be dispensed only if its copy is made available explaining the reasons for not producing the original. In the instant case, the Petitioner has not even produced a copy of the notification of the Second Respondent and what has been placed on record is a news item downloaded from the website regarding the recruitment proposed to be made by the Second Respondent.



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In such circumstances, the Writ Petition, which is devoid of merits and cannot be entertained, is dismissed. Consequently, the connected Miscellaneous Petitions in W.M.P. Nos. 8780 and 8781 of 2023 are also rejected. No costs.

20.03.2023

sgl/skr

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 31.07.2023

To

1. The Secretary,
Department of Rural Development and Panjayatraj,
Secretariat, Fort St. George, Chennai – 600 009.
2. The Secretary,
Tamil Nadu Public Service Commission,
T.N.P.C. Road, V.O.C Nagar, Park Town,
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P.D. AUDIKESAVALU, J.

sgl/skr

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