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W.P.No.8106 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.8106 of 2017  
and W.M.P.Nos.8879 & 8881 of 2017

G.G.Deepak Kumar

.. Petitioner

VS

1.The Managing Director,  
Chennai Metro Rail Limited,  
Admin Building,  
CMRL Department, Poonamallee High Road,  
Koyambedu, Chennai – 107.

2.The Chief General Manager,  
Chennai Metro Rail Limited,  
Admin Building,  
CMRL Department, Poonamallee High Road,  
Koyambedu, Chennai – 107.

3.The General Manager (HR)  
Chennai Metro Rail Limited,  
Admin Building,  
CMRL Department, Poonamallee High Road,  
Koyambedu, Chennai – 107.

.. Respondents

Petition filed under Article 226 of the Constitution of India  
praying to issue a writ of certiorarified mandamus calling for the  
records of the 3<sup>rd</sup> respondent pertaining to his Notification  
No.CMRL/HR/01/2013 and quash the same and further direct the  
respondents to issue appointment order to the petitioner based on



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the offer of appointment issued as per Employment Notification No.CMRL/HR.01/2013.

For Petitioner : Mr.V.Manisekaran  
For Respondents : Ms.Rita Chandrasekar  
for M/s.Aiyar and Dolia

ORDER

Writ petition has been filed in the nature of a certiorarified mandamus seeking interference with the Notification dated 23.08.2016 issued by the third respondent in Notification No.CMRL/HR/01/2013 and direct the respondents to issue appointment order to the petitioner based on the offer of appointment issued as per Employment Notification No.CMRL/HR.01/2013.

2. The petitioner had worked as apprentice for three years as a Plumber at Port Trust, Chennai.

3. The respondents, Chennai Metro Rail Limited a joint venture of Government of India and Government of Tamil Nadu were entrusted with the implementation of rail based mass rapid transit system at Chennai. The work for construction of the rail net work had commenced and is now in progress.



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4. The respondents had selected staff for operation of the rails. One of the posts which was called for is Plumber. The petitioner had applied for the said post. An online examination was conducted on 31.03.2013 and the results were published on 03.05.2013.

5. The third respondent / General Manager (HR) had issued a letter dated 10.05.2013 calling upon the petitioner to appear for verification of certificates and medical test. The petitioner also appeared on 07.06.2013. In July, 2013, the list of selected candidates were published. The petitioner's name was in Sl.No.12.

6. The petitioner claims a legitimate expectation of being offered employment. He also claims that there were a total of 23 posts and those out of that total number, 6 posts were reserved for Backward Community.

7. The petitioner then saw the impugned notification calling for fresh candidates for the post of Plumber. Aggrieved by that particular notification, the writ petition has been filed.



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8. Learned Standing Counsel appearing on behalf of the respondents, however, pointed out that the Notification applied by the petitioner was for the post of Junior Engineer Grade II (Station Control) and that the petitioner is not qualified for the same.

9. It is also contended that what was produced before this Court was only the Notification as such but not the terms and conditions. If they so referred in the website of the respondents it would clearly indicate that the offer of appointment would be issued based on the operational requirements. This would indicate that as and when the need arises and in this case for Plumbing then in accordance with the merit list, appointment will be issued.

10. It is further stated by learned Standing Counsel that only one post out of twelve posts was filled up and there is no obligation on the part of the respondents to provide employment to any other candidate. It is stated that verification of certificates was only a preliminary exercise undertaken and whenever need arises, depending upon exigencies, the posts will be filled up. It is therefore contended that the Notification which is questioned by the petitioner is not for the post of Plumbing. It is also stated that as and when need arises, what is termed as operational



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requirement, the post of Plumber would be actually filled up.

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11. Learned counsel for the petitioner had placed reliance on a judgment of a learned Single Judge of this Court in W.P.No.15196 of 2016 batch dated 02.01.2017 [*P.Sreeram & Others v The Chairman, Secretary to Government of India & Others*]. In that case, the petitioners had completed their Diploma in Electronics and Communication Engineering and had appeared for examination conducted by the CMRL and then questioned the advertisement which had been issued for Junior Engineer Grade II (Station Control).

12. The petitioners therein had applied for the post of Train Operation Station Controller and Junior Engineer (Stations). The learned Single Judge found that the petitioners had a legitimate expectation of being appointed. The significant aspect is that they also had the requisite qualifications. The learned Single Judge in that particular case had directed the respondents / CMRL to call the petitioners and thereafter consider their claim for appointment.

13. The facts, in the present case, are slightly different. The petitioner had appeared for examination for the post of



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Plumber and was placed at Sl.No.12 in accordance with the merit list. It had been specifically stated that the post would be filled up only owing to the operational requirements.

14. This Court cannot act as a bridge to create employee and employer relationship between the petitioner and the respondents. The respondents still hold the key, to appoint or not the petitioner herein.

15. Learned counsel for the petitioner requested that if the respondents are in need of filling any vacancy in Plumbing, they may follow the earlier selection which had already been done and offer employment in accordance with the rules and regulations, and if they issue a fresh notification then the petitioner may also be afforded an opportunity of applying, if found eligible, and to participate in the selection process.

16. The respondents will then have to examine whether the petitioner is qualified and if he is otherwise eligible, may offer employment, but again in accordance with operational requirements and in conformity with the rules and regulations and without affecting any other individual.



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17. The writ petition stands disposed of with the above observations. No costs. Connected miscellaneous petitions are closed.

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Index:Yes/No  
Neutral Citation:Yes/No  
ssm

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C.V.KARTHIKEYAN,J.

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