



W.P.No.26302 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:16.06.2023

Delivered on: 28.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.26302 of 2017

S.Manivannan

... Petitioner

Vs.

1.The Director/Commissioner
Directorate of Technical Education
Guindy
Chennai-600 025

2.The Registrar
Governing Council
Annamalai University
Muthiah Polytechnic College
Annamalainagar
Chidambaram
Cuddalore District-608 002

3.The Principal
Muthiah Polytechnic College
Annamalainagar
Chidambaram
Cuddalore District-608 002

4.V.Ravichandran

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the appointment order of the 4th respondent vide A.O.MP.No.517/Aa1/2016 dated 24.03.2017 passed by the 3rd respondent and quash the same and also directing the respondents 1 and 2 to appoint me to the post of Junior Draughting Officer at the 3rd respondent Polytechnic based on his education, qualification, experience and also representations dated 09.12.2016,09.01.2017,17.01.2017,28.01.2017,09.03.2017 and 21.03.2017.

For Petitioner : Mr.G.Mohan
for
Mr.S.Kumaradevan

For Respondents : Mr.M.S.Prem Kumar, GA for R1

Mr.C.P.Arivudai Nambi for R2 and 3

Mr.M.Muthappan for R4

ORDER

The petitioner has filed the present Writ Petition seeking issuance of a Writ Mandamus to quash the appointment order of the 4th respondent passed by the 3rd respondent on 24.03.2017 and to consequently appoint the



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petitioner to the post of Junior Draughting Officer at the 3rd respondent Polytechnic based on his educational qualification, experience and also representations.

2. The case of the petitioner is that he was working as a Workshop Instructor at Muthiah Polytechnic College, Annamalai Nagar, Chidambaram, which is under the control and management of the 3rd respondent. The petitioner was appointed as Lab Assistant on 30.06.1990. The petitioner completed his D.E.E and B.E. (I Class) in the years 1994 and 2002 respectively, by pursuing part time course after getting due permission from the 3rd respondent.

3. The petitioner;s further case is that he has rendered 24 years as Lab Assistant and on 24.07.2014, he was called for an interview for selection to the post of Workshop Instructor. The petitioner got appointed to the said post on 22.12.2014 and his appointment was also regularised on 23.11.2015 with effect from 22.12.2014.



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4. While the petitioner was working as Workshop Inspector, the respondents published an advertisement on 14.10.2016 inviting candidates for appointment to the post of Junior Draughting Officer for Electrical and Electronics Engineering. As the petitioner was eligible for the said post, he applied and also attended the interview. Though the petitioner was senior most amongst all the candidates, even to the knowledge of the 3rd respondent, it is the allegation of the petitioner that with a predetermined mind, the 3rd respondent wanted to appoint the 4th respondent to the said post. According to the petitioner, the 4th respondent is five years junior in service to the petitioner and as political support as well. Though the petitioner gave several representations to the 1st and 2nd respondents, no action was taken and in and by letter dated 23.02.2017, the petitioner was informed that the 4th respondent was selected to the post of Junior Draughting Officer. The petitioner also attained the age of superannuation on 31.05.2021, pending the Writ Petition.



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5. The 3rd respondent has filed a counter denying the allegations with regard to the alleged irregular appointment of the 4th respondent.

6. The 4th respondent has filed a counter stating that seniority of service would not arise in the absence of merit and ability being approximately equal. According to the 4th respondent, the selection committee selected him and his appointment is also approved by the Director of Technical Education. Since the appointment in question was by way of direct recruitment the petitioner cannot claim any seniority or communal roster system and selection was only based on merit and ability. The 4th respondent met all the eligibility criteria and therefore sought for dismissal of the Writ Petition.

7. Heard Mr.G.Mohan, for Mr.S.Kumaradevan, learned counsel for the petitioner and Mr. M.S.Prem Kumar, learned Government Advocate for R1, Mr.C.P.Arivudai Nambi, learned counsel for the respondents 2 and 3 and Mr.M.Muthappan for R4.



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8. The learned counsel for the petitioner relied on Tamil Nadu Services Manual Vol III Sec.45 pertaining to Tamil Nadu Technical Education Sub-ordinate Service which prescribes qualification for Junior Draughting Officer.

9. Though the petitioner contends that he was the senior most of all the candidates who were short listed and the 3rd respondent openly told one of his colleagues that the 4th respondent will get the post and even before the interview, the 3rd respondent used to call the 4th respondent as future Draughting Officer, such allegations have not been proved by the petitioner. Moreover, as seen from the service manual when it comes to direct recruitment to the post of Junior Draughtsman, there is no bar for members already in service to be eligible to be recruited directly. The qualification prescribed is only a minimum educational qualification that has been set out in the General Rules for Tamil Nadu State and Sub-ordinate Service. However, the only exemption that is carried out is that age limit would not apply to the persons falling under R.2B i.e., candidates who are already in service and are applying under the direct recruitment category. No where in



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the Rules there is any preference given to candidates who were already in service and have chosen to apply for the post under direct recruitment category. Therefore, the contention of the petitioner that his seniority has been neglected or not considered while applying for the vacant post of Junior Draughtsman cannot be countenanced. The petitioner though senior in terms of his employment with the institution or holding better educational qualifications, would not be matters for consideration since what all the eligibility criteria prescribed is a certain minimum qualification that has to be possessed to be eligible for the said post.

10. As rightly pointed out by the 3rd respondent, the 3rd respondent college being an aided polytechnic college receiving grant and aid from the Government of Tamil Nadu, the Staff Selection Committee looks into the appointments as per procedures laid down. The selection committee comprises of respectable and senior members and therefore to throw wild allegations against the selection process without any material to back up such allegations does not in anyway further the case of the petitioner. The



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petitioner's grievance that his seniority and better educational qualification have not been considered are therefore not grounds warranting interference in the facts and circumstances of the present case.

For all the above reasons, this Writ Petition has no merits and accordingly dismissed. No costs.

28.07.2023.

Internet:Yes
Index:Yes/No
Speaking order
Neutral Citation:Yes/No
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P.B.BALAJI, J.,
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Pre-delivery order in
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