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W.P.No.24437 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.24437 of 2015

&

M.P. Nos. 1 and 2 of 2015

M.Muthukrishnan

...Petitioner

Vs.

1.The Union of India
Represented by its Secretary to Government
Transport Department
Government of Puducherry
Puducherry.

2.The State Road Transport Corporation Limited
Rep. by its Managing Director
No.4, Iyyankoil Street, Raja Nagar,
Puducherry.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ or direction more specifically a Writ of Certiorarified Mandamus calling for the records on the file of the 2nd respondent relating to the impugned notification through paper



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publication of the 2nd respondent dated 31.07.2013 bearing Ref. No. Nil and quash the same in as much as it fixes the upper age limit with reference to 31.07.2013 in the impugned notification and consequently direct the respondents to consider the petitioner to the post of conductor with reference to the upper age limit as per the original notification and appoint the applicant in accordance with law.

For Petitioner : Mr. T.Saikrishnan

For Respondent 1: Mrs. G.Djearany
Government Advocate

For Respondent 2: Mr. R.Sreedhar

ORDER

The Writ Petition has been filed for the following relief:

“To call for the records on the file of the 2nd respondent relating to the impugned notification through paper publication of the 2nd respondent dated 31.07.2013 bearing Ref. No. Nil and quash the same in as much as it fixes the upper age limit with reference to 31.07.2013 in



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the impugned notification and consequently direct the respondents to consider the petitioner to the post of conductor with reference to the upper age limit as per the original notification and appoint the applicant in accordance with law.”

2. It is brought to the notice of the Court that in an earlier batch of Writ Petitions relating to the very same issue, the Division Bench of this Court in W.P.Nos.8775, 12882 and 12927 of 2010 dated 07.07.2010 has passed the following order:

“5. We are not in a position to accept the allegation of malafides in the matter. The issue of irregularities in the matter of selection was raised even in the Legislative Assembly. The matter was therefore considered at the higher level. In view of the magnitude of the allegations, and the serious procedural lapses committed in the course of selection, it was decided to



cancel the selection. Therefore, the Government has taken a correct decision to set aside the selection.

6. The fact that the name of the writ petitioners were included in the select list would not confer them any kind of right to seek appointment as a matter of course. It is open to them to apply at the time of fresh selection. In any case, sufficient reasons were given by the authorities in support of their decision to cancel the selection. The private interest of the petitioners should yield to the larger interest of the Corporation.

7. Therefore we reject the plea of malafides alleged against the fifth respondent and the claim of the petitioners for appointment on the basis of select list. Accordingly the writ petitions are dismissed. No costs. Consequently, connected MPs are closed.”



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In view of the same, the petitioner who is before this Court claiming his right on the basis of the selection process in the year 2009 could not be entitled for the relief as prayed for.

Accordingly, the Writ Petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

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Index : Yes/No
Internet : Yes/No
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To

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P.T. ASHA, J,

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