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W.P.No.28353 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.28353 of 2012

M.S.Nagarajan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretrary to Government,
Transport Department,
Secretariat,
Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Coimbatore Division,
37, Mettupalayam Road,
Coimbatore – 641 029.
- 3.The Director of Employment & Training,
Women's ITI Campus,
Guindy,
Chennai – 600 032.
- 4.The District Collector,
Coimbatore District,
Coimbatore 641 018.
- 5.The District Employment Officer,
District Employment Office,
Coimbatore – 641 029.

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6.The District Employment Officer,
District Employment Office,
Erode.

7.The District Employment Officer,
District Employment Office,
Ooty, The Nilgris District.

8.The District Employment Officer,
District Employment Office,
Tiruppur District.

9.A.Pandi

10.P.Chandran

11.V.Sivakumar

12.A.Sasikumar

13.S.Senthil Kumar

14.P.Senthil

15.Mayan.S

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents 1 to 4 to consider the representation made by the petitioner dated 26.09.2012 and to take appropriate legal action with reference to large number of registration of names in the respondents 5 to 8 District Employment Exchanges by several hundred's of persons with fake addresses by adopting fraudulent means and consequently to select and appoint the petitioner to the post of Conductor on par with juniors in Employment Exchange Seniority.

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For Petitioner : Mr.S.Nedunchezhiyan

For Respondents 1,3 to 8 : Mr.M.Murali,
Government Advocate

For Respondent 2 : Mr.A.Sundaravadhanan

For Respondents 9 to 14 : No Appearance

ORDER

The petitioner has filed this writ petition to direct the respondents 1 to 4 to consider the representation made by the petitioner dated 26.09.2012 and to take appropriate legal action with reference to large number of registration of names in the respondents 5 to 8 District Employment Exchanges by several hundred's of persons with fake addresses by adopting fraudulent means and consequently to select and appoint the petitioner to the post of Conductor on par with juniors in Employment Exchange Seniority.

2. The case of the petitioner is that the second respondent/Corporation has notified for selection to the post of Conductor/Driver and as per the Government Order, the second respondent allotted with 554 drivers and 118



conductors. The second respondent/Corporation having operational limits in four district viz., Coimbatore, Erode, The Nilgiris and Tiruppur. Instead of having combined employment exchange seniority of all the districts for the purpose of recruitment, called for list from each district separately, which has resulted in serious discrepancies that the candidates registered their names in the year 1992-1993 in one district are not considered for appointment. But, the candidates from Erode District, who are registered their names only in the year 2008 are given appointment. In view of the same, the petitioner, who has registered his name in the year 1999 and aspiring for appointment to the post of Conductor in State Transport Corporation was not considered for appointment. Hence, the petitioner along with other candidates have filed a writ petition before this Court and this Court has also granted an order of interim stay to keep one post vacant for each petitioner.

3. This being so, the second respondent/Corporation has notified to fill up 933 vacancies to the post of Driver and 1025 vacancies to the post of Conductors. Subsequent to the said notification, number of candidates, belongs to other districts have registered their names in Coimbatore Employment Exchange by giving false addresses only to secure employment



in State Transport Corporation in Coimbatore Division. The respondents 9 to 15 have also registered their names in Coimbatore District Employment Exchange on 11.05.2012, 12.05.2012, 04.07.2012, 05.07.2012, 09.07.2012, 24.07.2012 & 25.07.2012 respectively. The registration of candidates with fake address being taken place not only in Coimbatore District Employment Exchange but also in other employment exchanges of Erode District, The Nilgiris District and Tiruppur District, which affects the candidates like the petitioner, who are all longing for appointment based on their employment exchange seniority for several years. Hence, the petitioner has made a representation to the authorities concerned, seeking their interference and to take appropriate action and to cancel all the appointments made by fraudulent means. However, the same was not considered. Aggrieved over the same, the petitioner has come forward with the present writ petition.

4. Learned counsel for the petitioner submitted that though very many grounds raised in this writ petition, it would suffice if this Court issues a direction to the fourth respondent to consider the representation of the petitioner 26.09.2012, within a time frame to be fixed by this Court.



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5. Learned Government Advocate appearing for the respondents

1, 3 to 8 has no objection for the said order being passed by this Court.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the fourth respondent to consider the petitioner's representation dated 26.09.2012 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the above said observation and direction. No costs.

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Index : Yes/No

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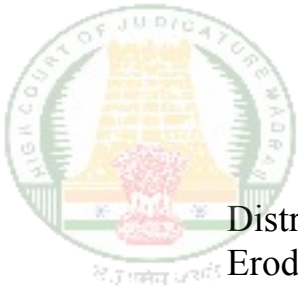
Speaking Order : Yes/No
Neutral Citation : Yes/No

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- 6.The District Employment Officer,

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J.SATHYA NARAYANA PRASAD,J.

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