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W.P.No. 34426 of 2013

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 27.03.2024**

**CORAM:**

**THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.No.34426 of 2013**

**and**

**M.P.Nos. 2 to 3 of 2013**

R. Gunasekaran

...Petitioner

Vs

1. Government of Puducherry,  
Rep. by its Secretary to Government,  
Transport Department,  
Puducherry.
2. The Managing Director,  
Pondicherry Road Transport Corporation,  
Ayyanar Koil Street,  
Raja Nagar, (Behind New Bus Stand)  
Kuyavarpalayam,  
Puducherry.
3. The General Manager,  
Pondicherry Road Transport Corporation,  
Ayyanar Koil Street,  
Raja Nagar, (Behind New Bus Stand)  
Kuyavarpalayam,  
Puducherry.

...Respondents



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**Prayer:** Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for records and to quashing the recruitment condition imposed by the second respondent herein on 12.08.2013 to the post of driver and conductor for PRTC 2013 in pursuant to the notification dated 31.07.2013 in so far as it relates to fixing the 'age limit' ignoring the petitioners claim who has already applied in the year 2007 and thereafter participated in the selection process in the year 2010 but the same was abruptly dropped and consequently direct the second respondent to consider the petitioner who has applied pursuant to the notification issued in the year 2013 and appoint him in the post of conductor in the second respondent Corporation with effect from the date on which, other candidates selected pursuant to the 2013 notification are appointed, pay salary and all other service and other benefits from the date.

|                |                                        |
|----------------|----------------------------------------|
| For Petitioner | : No appearance                        |
| For R1         | : Mr.G.Djeerany<br>Government Advocate |
| For R2         | : Mr. A.R.Nixon                        |
| For R3         | : No appearance                        |



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## **ORDER**

This writ petition has been filed by the petitioners seeking to quash the recruitment condition imposed by the second respondent herein on 12.08.2013 to the post of driver and conductor for PRTC 2013 in pursuant to the notification dated 31.07.2013 in so far as it relates to fixing the 'age limit' ignoring the petitioners claim who has already applied in the year 2007 and thereafter participated in the selection process in the year 2010 but the same was abruptly dropped and consequently direct the second respondent to consider the petitioner who has applied pursuant to the notification issued in the year 2013 and appoint him in the post of conductor in the second respondent Corporation with effect from the date on which, other candidates selected pursuant to the 2013 notification are appointed, pay salary and all other service and other benefits from the date.

2. It has been brought to the notice of this Court that the selection process initiated in the year 2009 has been set aside and the selection tests held



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for the posts of Driver and Conductor were cancelled by the second respondent.

In this regard, reliance is placed on the order of the Division Bench of this Court in W.P.Nos.8775, 12882 and 12927 of 2010 dated 07.07.2010 wherein the above cancellation of selection process was recorded and the writ petitions were dismissed, the relevant portions of the order reads as under:

*"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*



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*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."*

3. In view of the same, the petitioner who is before this Court claiming their right on the basis of the selection process in the year 2009 could not be entitled for the relief as prayed for. Pursuant to the directions of this Court in its initial order dated 13.11.2013 the petitioner was permitted to submit an application for relaxation of his age limit, which was rejected, however, liberty was granted to the petitioner herein, in the Contempt petition filed by them. The same liberty is given to them to challenge the rejection of relaxation of their age limit for subsequent appointment to the said posts.



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4. In view of the above, no further orders are necessary in this writ petition and the above writ petition is closed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

ns1

To

1. The Secretary to Government,  
Government of Puducherry,  
Transport Department,  
Puducherry.
2. The Managing Director,  
Pondicherry Road Transport Corporation,  
Ayyanar Koil Street,  
Raja Nagar, (Behind New Bus Stand)  
Kuyavarpalayam,  
Puducherry.
3. The General Manager,  
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**J.SATHYA NARAYANA PRASAD, J.**

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