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W.P.No.8958 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.8958 of 2015
and M.P.Nos.1 & 2 of 2015

N.S.Saravanan

...

Petitioner

versus

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Department of Transport,
Fort St.George,
Chennai - 9.
- 2.The Managing Director,
Metropolitan Transport Corporation
(Chennai) Limited,
Pallavan Salai, Chennai.
- 3.The Managing Director,
State Express Transport Corporation
(Tamil Nadu) Limited,
Pallavan Salai, Chennai.
- 4.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli.



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5.The Managing Director,
Tamil Nadu State Transport Corporation
(Kovai) Limited,
No.37, Mettupalayam Road,
Coimbatore - 43. ...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of declaration, declaring the interviews conducted by the 2nd to 5th respondents for the post of Junior Engineer (Trainee) is against the concept of transparency and fairness and thereby the same is illegal and consequently direct the respondents to conduct interviews with men of high integrity, caliber and qualification and those interviews should be recorded in video formats as mentioned in the judgment of Supreme Court reported in (1981) 1 SCC 722 and direct the respondents to appoint the petitioner as Junior Engineer (Trainee) in any one of the respondent Corporation based on his merit and ability.

For Petitioner	:	Mr.D.Muthukumar
For Respondent No.1	:	Mr.Stalin Abhimanyu Additional Government Pleader
For Respondent No.2	:	Mr.R.Balaji
For Respondent No.3	:	Mr.L.S.M.Hasan Fizal Additional Government Pleader (SETC)
For Respondent No.4	:	M/s.T.Kavya for Mr.C.Gauthamaraj
For Respondent No.5	:	Mr.Dayanand for Mr.Sundaravadanam



ORDER

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2. The petitioner had completed Diploma in Automobile Engineering in the year 1995 and he is also holding light and heavy driving license and he got himself registered with the Employment Office at Villupuram. According to the petitioner, in the Villupuram District, as per the District Employment seniority, he is a senior candidate and has been waiting from 1998 onwards and further he has also put in 12 years of service in a private industry.

3. After completion of the Diploma course, the petitioner had an opportunity to undergo Apprenticeship training in the Tamil Nadu State



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Transport Corporation (Kumbakonam) Limited at Trichy during the year 1999 to 2000 and was also referred to The Director, Central Board of Apprenticeship Training (Southern Region), Taramani, Chennai and after completion of Apprenticeship, he was also awarded with a certificate on 11.12.2000.

4. In the year 2014, the respondent Corporations decided to issue a public advertisement to call for the eligible candidates to take part in the selection from across the State and an advertisement was also issued on 02.11.2014 with regard to the selection of “Junior Engineer (Trainee)”. It is the case of the petitioner that there were 13 vacancies in the second respondent corporation, 21 vacancies in the third respondent corporation, 6 vacancies in the fourth respondent corporation, and 11 vacancies in the fifth respondent corporation and thereby there were totally 51 vacancies but however, the advertisement was issued only for one post.

5. It is also the case of the petitioner that the advertisement had not been issued at the state level, however it has been issued only by the individual corporation on 02.11.2014 for appointment of one vacant post of “Junior Engineer (Trainee)”, when there were 21 vacancies are available.



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The petitioner had applied for the said post and also received a call for an interview on 12.12.2014. The petitioner's grievance is that the interview was not conducted in a proper manner and therefore he had sent a letter to the first respondent on 02.03.2015. With the above, the writ petition is filed to declare the interviews conducted by the respondents 2 to 5 for the post of Junior Engineer (Trainee) as illegal.

6. When the petitioner had applied and also participated in the interview and when he has filed the writ petition with a consequential prayer to appoint him as “Junior Engineer (Trainee)”, the petitioner had not questioned the selection of any successful candidate in respect of the one admitted vacant post for which advertisement was issued and had also not made the selected candidate as a party to the writ petition.

7. From the averments in the affidavit, it is seen that the stand of the petitioner is that the action of the respondents in issuing advertisements and notifying the vacancy of the post is not proper, however the relief sought for in the writ petition is only to declare the interviews conducted by the respondents as illegal.



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8. Admittedly, when the third respondent had issued an advertisement calling for one vacant post, the petitioner had not substantiated with necessary materials as to the notifications issued by the other respondent Corporations and also the vacancies notified by them for which selections were made.

9. The fact remains that the writ petition has been preferred as early as 2015 in respect of selection to the post of Junior Engineer (Trainee) and the petitioner having been participated in the interviews in which the third respondent had advertised for one post of Junior Engineer (Trainee) to be filled up, in the absence of any other materials or challenge made to the selection, the relief sought for in the writ petition at this length of time to declare the interviews conducted cannot be adjudicated.

10. In view of the above directions, the Writ Petition stands ***dismissed***. It is always open to the petitioner to challenge any selection that has been made in violation of any of the procedures or rules, if the petitioner is so advised.



11. There shall be no order as to costs. Consequently, connected

Miscellaneous Petitions are closed.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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G.ARUL MURUGAN, J.

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