



W.P.No.608 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2024

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.608 of 2016
and WMP.Nos.438 and 439 of 2016

V.Tamilselvan

... Petitioner

VS.

State of Tamil Nadu,
Rep., by the General Manager,
Tamil Nadu Government Transport
Corporation (villupuram) Ltd.,
Tiruvannamalai Region,
Tiruvannamalai.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order/letter of the respondent which is made in Ka.En.28046/Ni2/T.N.G.T.C.(V) T.Malai/2014 dated 31.08.2015 in so far as rejecting the claim of the petitioner to appoint him as a driver in the respondent Corporation and quash the same,, consequent to direct the respondent to appoint the petitioner as a driver with all service benefits.

For Petitioner : Mr.R.Malaichamy

For Respondent : Mr.S.Pavithra

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ORDER

This writ petition is filed to call for the records pertaining to the order/letter of the respondent which is made in Ka.En.28046/Ni2/T.N.G.T.C.(V) T.Malai/2014 dated 31.08.2015 in so far as it rejects the claim of the petitioner for appointment as a driver in the respondent Corporation.

2.The petitioner studied upto XII standard and the petitioner joined the Institute of Road Transport (IRT), Chennai for Heavy Vehicle Driver Training Course (HVDTC) for the period from 01.04.2002 to 21.06.2002 and successfully completed the training.

3.According to the petitioner, the petitioner was fully qualified and eligible for the post of Driver and registered his name in the District Employment Office, Tiruvannamalai on 03.03.2024. The petitioner also worked as temporary driver from the year 2006 to 2007 in the Cheyyar Depot of the respondent Corporation. Whiles, the respondent called for candidates for appointment to the post of driver. Since the petitioner was fully qualified, he applied for the same and was also issued with a call letter dated 02.12.2014.



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The petitioner attended the physical and efficiency test on 12.12.2014 and performed well. Mean while, the employees of the respondent Corporation went on strike on 31.12.2014 and the petitioner was asked to work as a driver on that day and thus he attended the depot and was allotted Cheyyar to Chennai route on 31.12.2014. The petitioner states that eventhough he worked as a driver on the respondent direction during the strike, the respondent instead of selecting the petitioner selected and appointed persons who were not called to attend work as driver during the strike. Hence the petitioner made a representation to the Hon'ble Chief Minister's Special Cell on 21.08.2015 and the same was forwarded to the respondent Corporation for consideration. The respondent Corporation vide the impugned order dated 31.08.2015 stated that the petitioner was not qualified and therefore he was not selected. Aggrieved by the impugned order, the petitioner has filed the above writ petition.

4.The respondent filed a detailed counter stating that the petitioner obtained only 7.5 marks out of total marks of 25. The cut off mark for selection was fixed at 10.5 and all 179 candidates who were selected obtained 10.5 marks and above. As the petitioner did not even obtain the cut off marks he was not selected. The respondent stated that mere participation in the selection



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process does not guarantee appointment to the post. The respondent therefore submitted that the writ petition did not merit consideration.

5.The learned counsel for the petitioner submitted that in the impugned order nothing was stated about the cut off marks and it was stated only in the counter to the writ petition. The learned counsel submitted that the impugned order therefore is invalid and deserves to be set aside.

6.The learned counsel for the respondent submitted that as the petitioner did not fall in the zone of consideration he was not selected and so he can have no grievance on his non-selection.

7.I have gone through the impugned order which was passed on the representation dated 21.08.2014 given by the petitioner to the Hon'ble Chief Minister's Special Cell, which was forwarded to the respondent Corporation. From the impugned order, it is clear that there was a selection process and the selection was based on the marks obtained in the selection process. The respondent have filed the type set of papers containing the list of candidates and the marks obtained by them in the physical, efficiency test and in the interview.



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It is seen that all the 179 candidates who were selected obtained the cut off mark of 10.5 marks and above. The petitioner's marks are also furnished and it is seen that the petitioner obtained only 7.5 marks which is much below the cut off mark of 7.5. I therefore find no infirmity or illegality in the impugned order.

8.In view of the above, I find no merits in the writ petition and the same is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

21.08.2024

Index : Yes / No
Internet : Yes / No
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To

The General Manager,
Tamil Nadu Government Transport
Corporation (villupuram) Ltd.,
Tiruvannamalai Region,
Tiruvannamalai.



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N.MALA, J.

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