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W.P.No.22826 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.22826 of 2024

G.Jegadheesh Rajan

.... Petitioner

-Vs-

Tamil Nadu State Express Transport Corporation
Rep.by its General Manager
Pallavan Salai
Chennai 600 002.

.... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Order passed by the respondent in Order No.005550/MA Va 3/TETC/2023 dated 15.07.2024 and quash the same and further direct the respondent to appoint the petitioner to the post of driver cum conductor and to permit the petitioner to attend the training program and allot duty to the petitioner within a stipulated time as fixed by this Court.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr.L.S.M.Hasan Fizal
Standing Counsel



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ORDER

This writ petition has been filed challenging the proceedings of the respondent dated 15.07.2024 and for a consequential direction to appoint the petitioner to the post of Driver cum Conductor and to permit the petitioner to attend the training program and allot duty to the petitioner.

2.Heard Mr.S.Parthasarathy, learned counsel for the petitioner and Mr.L.S.M.Hasan Fizal, learned Standing Counsel appearing for the respondent.

3.The case of the petitioner is that he had obtained driving license for driving heavy vehicles on 16.05.2022 and he was also driving bus in the nearby travels. During the month of August 2023, the respondent called for application for the post of Driver cum Conductor to fill up 685 posts. The petitioner applied for the same and according to the petitioner, as on the date of application, the petitioner had 19 months of experience. The petitioner wrote the examination and he obtained sufficient marks and thereafter, he was called for certificate verification. The interview was conducted on 12.01.2024 and by an order dated 14.03.2024, the petitioner was appointed as Driver cum Conductor. The petitioner had also deposited a sum of Rs.25,000/- in favour of the Director of Institute of Road Transport for training.



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4.The grievance of the petitioner is that through the impugned proceedings dated 15.07.2024, the appointment granted to the petitioner was cancelled by the respondent without affording any opportunity on the ground that the petitioner did not have 18 months experience as heavy vehicle driver. Aggrieved by the same, the present writ petition has been filed before this Court.

5.The Notification that was issued by the respondent Corporation shows that the candidate must have minimum 18 months of experience as driver of heavy vehicle. This is the minimum requirement under the Notification and therefore, any candidate who has not fulfilled this qualification, cannot be considered for appointment to the post of Driver cum Conductor.

6.On carefully going through the driving license that has been issued to the petitioner, it is seen that for heavy vehicles, the license has been issued only with effect from 16.05.2022. The Notification was issued on 18.08.2023. As on the date of Notification, the petitioner had only 15 months of experience to drive the heavy vehicles. This requirement was added in the Notification pursuant to the Government order issued in G.O.Ms.No.25, dated 14.02.2023. It has been stated



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in this G.O that a candidate must have a valid driving license to drive heavy passenger transport vehicles and must have 18 months experience.

7.On the admitted materials that have been placed before this Court, the petitioner only had 15 months of experience to drive heavy passenger transport vehicle on the date of Notification. The learned counsel for the petitioner submitted that by the time the petitioner was called for interview, the petitioner had sufficient experience. This justification on the side of the petitioner cannot be countenanced since the qualification can be assessed only as on the date of the issuance of notation.

8.The other grievance that has been expressed on the side of the petitioner is that the petitioner was not given an opportunity before his appointment was cancelled. Even if an opportunity was given to the petitioner, the petitioner would not have been able to satisfy the minimum requirement as prescribed by the Notification. Therefore, it will be an useless formality even if opportunity had been given to the petitioner.

9.In the light of the above discussion, the relief as sought for by the



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petitioner cannot be granted by this Court and accordingly, this writ petition stands dismissed. No costs.

25.09.2024

Index : Yes/No
NCS : Yes/No
KP

To

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N.ANAND VENKATESH, J.



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