



W.P.(MD) No.19592 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.02.2024

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.19592 of 2020
and
W.M.P.(MD)No.16312 of 2020

Vasu Venkataramania

... Petitioner

Vs.

1.The Chairman

V.O.Chidambaranar Port Trust,
Marine Department,
Tuticorin - 628004.

2.The Deputy Conservator,

V.O.Chidambaranar Port Trust,
Marine Department,
Tuticorin - 628004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to appoint the petitioner to the post of Harbour Pilot under contractual basis pursuant to the advertisement dated 11.06.2020 with all consequential benefits.



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W.P.(MD) No.19592 of 2020

For Petitioner : Mr.N.Ananda Kumar

For Respondents : Mr.A.Arivuchandran for R2

: No appearance for R1

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus, to direct the respondents to appoint the petitioner to the post of Harbour Pilot under contractual basis pursuant to the advertisement dated 11.06.2020 issued by the respondents with all consequential benefits.

2. It is the case of the petitioner that he was appointed as Contract Pilot and worked in that capacity from 12.08.2008 to 12.08.2019 in the respondent Port Trust. But, the said contract was not renewed by the respondents *suo motu* and therefore, he submitted a representation on 23.07.2019 requesting for renewal of contract and to consider enhancement of pilotage charges. However, the said request of the petitioner was not considered. Thereafter, the respondents issued advertisement dated 11.06.2020, calling for application from the eligible Indian Nationals for engagement as Pilot under contractual basis in respondents Port Trust and the



W.P.(MD) No.19592 of 2020

petitioner also claimed to have submitted an application in response of such advertisement. As the petitioner was not selected nor communicated with any communication by the respondents, the petitioner filed the present Writ Petition contending that he is the only person having Pilot Licence among all 20 candidates, who applied pursuant to the advertisement dated 11.06.2020 and as such he is a meritorious than others. According to the learned counsel for the petitioner, the petitioner is more meritorious, but the petitioner has not been selected pursuant to the above advertisement. Hence, he approached this Court.

3. The respondents filed counter affidavit stating that the selection process has been undertaken by the Selection Committee constituted by the Chairman, V.O.Chidambaranar Port Authorities and the Committee conducted personal interview on 10.08.2020 and 13.08.2020 and the names of 4 candidates have been short listed for engagement as Pilot on contractual basis and further, other names were also empanelled for future requirement. The petitioner is not one among the said 4 candidates selected for appointment nor among the candidates empanelled for future requirements. This Court on



W.P.(MD) No.19592 of 2020

an earlier occasion having considered the contention in the counter affidavit, directed the respondents to produce their selection list and accordingly, copy of the selection list is placed before this Court.

4. A perusal of the selection list shows that in total 22 candidates have responded to the advertisement and out of them, the petitioner herein secured 78.6 marks and ranked at serial No.10. The petitioner except alleging that he is more meritorious, nothing is placed before this Court to show that the selection process undertaken by the respondent is incorrect. In any manner, whether the process of selection undertaken by the respondent is in accordance with law or not, cannot be considered by this Court, unless the petitioner comes up with a specific case making a specific averments in the affidavit filed in support of the Writ Petition. Except claiming that the petitioner is more meritorious and possessing Pilot licence, there is no other material is placed before this Court to find fault with the selection process undertaken by the respondents.



W.P.(MD) No.19592 of 2020

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5. In the light of the above, this Court does not find any merit in this Writ Petition. Hence, this Writ Petition is dismissed. Consequently, any interim order passed, shall automatically stand vacated and W.M.P.(MD)No. 16312 of 2019 is also dismissed. There shall be no order as to costs.

NCC : Yes/No

27.02.2024

Index : Yes/No

Internet : Yes

LS

To

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W.P.(MD) No.19592 of 2020

MUMMINENI SUDHEER KUMAR, J.

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W.P.(MD)No.19592 of 2020

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