



W.P.(MD)No.11880 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 15.11.2024
DELIVERED ON : 22.11.2024

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.11880 of 2018
and
W.M.P(MD)No.10838 of 2018

G.Jaisankar

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Transport Department,
Fort St.George,
Chennai-09.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
27 Railway Station New Road,
Kumbakonam-612 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ka.No.366/E4/ThaAPoKa (Ku)Kumapa/2016, dated 28.06.2017 on the file of the respondent no.2 and



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quash the same as illegal and consequently directing the respondent no.2 to consider and appoint the petitioner in the post of Junior Technician I.T.I (Trade) in the respondent no.2 office in the future vacancy within the time stipulated by this Court.

Prayer in W.M.P(MD)No.10838 of 2018 : Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, praying this Court to dispense with the production of the original copy of the impugned order in Ka.No. 366/E4/ThaAPoKa (Ku)Kumapa/2016, dated 28.06.2017 on the file of the 2nd respondent and the same is pending.

For Petitioner	: Mr.S.Rajeasekar
For R1	: Mr.S.R.A.Ramachandran Additional Government Pleader
For R2	: Mr.S.C.Herold Singh Standing Counsel

ORDER

Heard both sides.

2. The petitioner filed this writ petition on 04.06.2018 under Article 226 of the Constitution of India seeking to quash the impugned order in Ka.No. 366/E4/ThaAPoKa (Ku) Kumapa/2016, dated 28.06.2017 passed by the 2nd respondent as illegal and consequently directing respondent No.2 to consider



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and appoint the petitioner in the post of Junior Technician I.T.I (Trade) in the respondent No.2 office in the future vacancy.

3. On 05.06.2018, the Learned Additional Government Pleader appearing for the 1st respondent and the Learned Standing Counsel representing the respondent Corporation took notice of the matter. The case was adjourned to grant time for the respondent counsels to obtain instructions from the respective respondent authorities. Subsequently, on 10.07.2018 this Court directed the 2nd respondent to produce the relevant file pertaining to the selection and appointment process for the post of Junior Technician, for which the petitioner had attended the interview but was not selected. The matter was thereafter adjourned periodically. On 30.07.2018 this Court passed the following order:

“ Pursuant to the earlier order passed by this Court, dated 10.07.2018, the learned standing counsel produced a record to substantiate that, there was an interview for the post of Junior Technician, in the respondent Organization during the year 2014, in which more than 3000 candidates, final selection was made and since, the petitioner got only 67 marks whereas, the last candidate, who got selected has obtained 76 marks, and therefore, the petitioner was not selected. To substantiate the said contention, relevant files were produced before this Court and on perusal, this Court is of the prima facie view that, the said allegations made by the petitioner that, there was no interview held at all, could not be accepted.



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2. *However, the learned counsel appearing for the petitioner would submit that, the petitioner, on the basis of performance and certificates he has produced, should have been given higher marks and therefore, he should have got selected, but, the said thing was rebutted by the learned standing counsel appearing for the respondents, However, the said controversy cannot be resolved by mere oral arguments. Therefore, the learned standing counsel appearing for the respondents, wanted to file a counter affidavit in this regard and hence, he seeks a reasonable time, therefore, four weeks time is granted to file the counter affidavit.*

3. *Post after four weeks.”*

4. On 03.05.2023 the 2nd respondent filed their elaborate counter.

5. The writ petitioner, belonging to the Scheduled Caste community, passed his Higher Secondary examination in 1994 and completed an I.T.I certificate course in 1997. He also underwent apprenticeship training with the Tamil Nadu State Transport Corporation Peravurani Branch for a period of one year and worked as a Junior Technician. As per the communication, dated 11.11.2014 of the Employment Exchange, the petitioner was called to attend an interview conducted on 27.11.2014 for the post of Junior Technical I.T.I (Trade). Despite fulfilling all the required criteria for the post, the petitioner was not selected. In response to his query under the Right to Information Act,



the authorities informed him that out of the 15 advertised posts, only two were filled (one from the MBC and one from the DNC categories).

6. The petitioner contends that as per G.O.(Ms) No. 65 dated 27.05.2009, which prescribes the 200-point roster for reservations, at least two posts should have been allocated to Scheduled Caste candidates. He sent representations on 14.09.2016 and 15.06.2017, which were responded to by the impugned order dated 28.06.2017, wherein it was stated that the petitioner did not meet the cut-off mark of 76 for the SC category, having scored only 67 marks.

7. The 2nd respondent stated that the 2014 recruitment for positions, including Junior Tradesman (Trainee), was necessitated by staffing needs in State Transport Corporations and conducted per the High Court of Madras's directives and the government's letter dated 30.10.2014. To ensure transparency, vacancies were advertised in newspapers and through Employment Exchanges. Notification No. 04/KUM/2014, issued on 02.11.2014, invited applications for 87 sanctioned vacancies, with 45 allocated to Kumbakonam and Nagapattinam regions, evenly distributed among



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Employment Exchanges in Thanjavur, Tiruvarur, and Nagapattinam, alongside open notifications.

8. A three-member Selection Committee assessed candidates based on academic qualifications (55%), personal interviews (25%), and skill tests (20%). Of the 144 candidates selected against 45 notified vacancies, 18 were from the Scheduled Caste (SC) category, fulfilling the reservation requirements under G.O.(Ms) No. 65. The petitioner, scored 67 marks (42 for academics, 15 for the interview, and 10 for the skill test), did not meet the SC category cut-off of 76 marks and was not selected.

9. The respondent clarified that SC quota compliance was achieved through a merit-based roster across trades. The petitioner's claim that two SC vacancies should have been filled exclusively through the Thanjavur Employment Exchange was incorrect, as SC candidates were chosen from both Employment Exchanges and open notifications. The notification covered multiple trades, allowing candidates from diverse trades to compete for the positions.



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10. In response to the petitioner's RTI queries, the respondent confirmed that the SC quota was fully met, with the last SC candidate scoring 76 marks. The recruitment process, completed in July 2015, accounted for current and future vacancies, and the final selection list was communicated to Employment Exchanges. The petitioner's claims, filed nearly four years later, were deemed time-barred and meritless, as he failed to meet the cut-off. The respondent requested the dismissal of the writ petition, asserting that the recruitment process adhered to all government guidelines, reservation policies, and selection criteria.

11. Having considered the arguments advanced by both sides and the materials placed on record, the following points arise for consideration:

- (i) Whether the selection process violate the reservation norms prescribed under G.O.(Ms) No. 65?
- (ii) Whether the non-selection of the petitioner is arbitrary or discriminatory?
- (iii) Whether the petitioner is entitled to be considered for future vacancies?



Discussion:

12. The petitioner's grievance primarily revolves around his claim that two posts were required to be filled by candidates from the Scheduled Caste category under the 200-point roster system. However, the respondents have demonstrated that 18 SC candidates were selected in compliance with the reservation norms.

13. The contention of the petitioner that he was arbitrarily excluded is unsustainable, as the selection process involved a merit-based assessment. The petitioner's score of 67 marks was below the cut-off mark of 76 for the SC category. Recruitment based on cut-off marks is a permissible method of selection, and the petitioner cannot claim a vested right to appointment solely based on his participation in the interview.

14. Furthermore, the respondents have clarified that vacancies were filled both through Employment Exchange and open notification, and the petitioner had equal opportunity to compete. The court cannot interfere with the decision of the respondents unless there is a manifest illegality or violation of



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constitutional or statutory provisions. In the present case, no such violation is evident.

15. For the foregoing reasons, the petitioner's claim for quashing the impugned order dated 28.06.2017 and seeking an appointment in future vacancies is devoid of merit. Accordingly the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

22.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

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2.The General Manager,
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DR.A.D.MARIA CLETE, J.

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