

W.P.(MD) No.6614 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved On : 06.08.2025

Pronounced On : 18.09.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.6614 of 2017

and

W.M.P.(MD)No.5205 of 2017

S.R. Arul Raja Selvan,
Arul Garden,
Athencode,
S.T.Mankad (P.O.),
Kanyakumari District.

... Petitioner

Vs.

1. Government of India
Rep. by its Secretary to Government of India
Ministry of Defence,
South Block, New Delhi – 110011.

2. Directorate of National Cadet Corps
Rep. by its Director General
NCC Directorate
R. K. Puram, New Delhi.

3. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Youth Welfare and Sports Development,
Fort St. George, Chennai - 600 009.

4. NCC Directorate of Tamil Nadu, Puducheny & Andaman Nicobar
Rep. by it's Deputy Director General,
NCC Directorate of TN, P&AN,
Fort St. George, Chennai - 600 009.



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5. The Office of NCC Group Head Quarters, Madurai,
Rep. by it's Group Commander,
NCC Group HQ at Madurai,
86, PT Rajan Road,
Madurai-625 002.

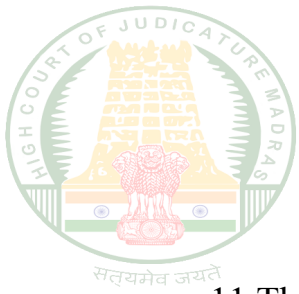
6. The 11th Tamil Nadu Battalian NCC,
Rep. by it's Commanding Officer,
49/4, Vellalar Street,
Nagercoil-629 001.

7. The Nesamony Memorial Christian College, Marthandam,
Rep. by it's Correspondent and Secretary,
Marthandam, Kanyakumari District-629 165.

8. The Principal
Nesamony Memorial Christian College
(Government Aided of centre code 105),
Marthandam,
Kanyakumari District - 629 165.

9. A. Boyed Wesley
Lecturer of Computer Science (Self Finance) of
centre code 155 Nesamony Memorial Christian College
(Self Finance of centre code 155),
S/o S.Albert Shylum,
V30-15/9, Zion Lane, North Street,
Marthandam, Pin 629165

10. Office of the Accountant General (A85E), Tamilnadu
Rep. by it's Principal Accountant General
Lekha Pariksha Bhavan
361, Anna Salai,
Teynampet,
Chennai-600018.



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11.The Director of Collegiate Education,
College Road, Chennai – 600 006.

12.The Joint Director of Collegiate Education,
Tirunelveli Region,
Gandhi Nagar,
Tirunelveli – 627 008.

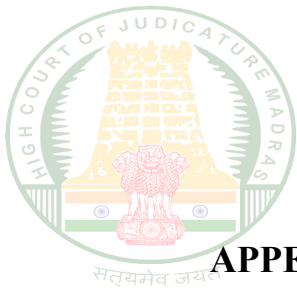
(R11 & R12 are impleaded vide court order dated
29.07.2025 in WMP(MD)No.7876/2023 in
WP(MD)No.6614/2017 by ADMCJ) ... Respondents

PRAYER in W.P.:

To issue a a Writ of Certiorarified Mandamus or any other order or direction in the nature of a writ to call for the records relating to the proceedings of the 6th Respondent vide No.377/4/Trg dated 18.04.2016 and quash the same and consequently direct the Respondents 1 to 6 to approve the petitioner's appointment as Care Taker and as Associate NCC Officer of 3/11 NCC (Army) company through direct commission on the basis of the proposal sent by the 8th Respondent vide his letter No.CCM/2014 :368 dated 31-05-2014 and pass such other or further order as this Hon'ble Court deem fit and proper in the facts and circumstances of the case and render justice.

PRAYER in WMP:

To grant ad-interim stay, staying the operation of the order of the 6th Respondent in his proceedings in No.377/4/Trg dated 18.04.2016, pending disposal of the writ petition and thus render justice.



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APPEARANCE OF PARTIES:

WEB COPY For Petitioner : Mr. P.Senrayar, Advocate

For Respondents : Mr.T.Amjad Khan,
Government Advocate for R3,R11& R12

: Mr.K.R.Laxman, Advocate
for R2, R4 to R6

: Mr.K.Ragatheesh Kumar, Advocate
for Mr.Cibi Chakraborty, Advocate
for R7 & R8

: Mr.K.Ragatheesh Kumar, Advocate
for M/s.Isaac Chambers for R9

: Mr.P.Gunaseelan, Advocate, for R10

J U D G M E N T

Heard.

2. This petition marks the petitioner's second round of litigation. Pursuant to the order issued in W.P. (MD) No. 12710 of 2015, dated 23.07.2015, the impugned order was passed by the officer in command, namely the 6th Respondent. In that order, it was recorded as follows:

“1. Please refer to Madurai Bench of High Court order dt. 10 Aug 15 in respect of case No.WP(MD) No.12710 of 2015 and received from the court on 24 Aug 15.



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2. Para (4) of the judgment referred at Para 1(a) entails NCC authority for a de novo look at the application forwarded by the petitioner Thiru SR Arul Raja Selvan for the post of ANO within the framework of NCC rules and regulations.

3. It is informed that the application has been thoroughly scrutinized de novo by the appropriate authorities, and it stands dismissed being devoid of merit.

4. Lt Boyed Wesley continues to be the ANO.

5. This is for your information please.”

3. Upon notice from this Court, the 6th Respondent submitted a detailed counter affidavit. Relevant portions from paragraphs 30 and 31 are extracted below:

“30.as per the documents received from the college, the centre code was 311. As there is no vacancy since 2009 for the post of caretaker / Associate NCC Officer in the Nesamony Memorial Christian College, Marthandam, no need of appointing a new caretaker / Associate NCC Officer and approving the same. Associate NCC Officer LT A Boyd Wesley has been properly selected, trained and commissioned during 2008-09. The agreement is not for NCC but for teaching post. Dr.Thampi Thanka Kumaran, Principal-In-Charge's letter was approved by the Administrative committee of C.S.I. Kanyakumari Diocese which governs the Nesamony Memorial Christian College, Marthandam, in its meeting held on 05-09-2015. The Administrative committee of C.S.I Kanyakumari Diocese with governs the Nesamony Memorial Christian College, Marthandam, in its meeting held on 05-09-2015 resolved to cancels all the orders and letters regarding the relinquishment of Lt A.Boyed Wesley and the appointment of Mr.S.Arul Raja Selvan.



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31. ...The Administrative committee of C.S.I. Kanyakumari Diocese which governs the Nesamony Memorial Christian College, Marthandam, in its meeting held on 05-09-2015 passed the following resolutions:

*It was resolved to accept and appreciate the services of Lt.A.Boyed Wesley as the Associate NCC officer of 3/11 NCC (Army) company of this college who as been trained, commissioned and is the competent person, working in this college as Lecturer / Asst. Professor, since 2003, with utmost satisfaction.

* It was resolved that Mr.S.R.Arul Raja Selvan, has no right to claim for the position of caretaker / Associate NCC Officer of 3/11 NCC (Army) company of this college.

The 6th respondent Officer – Commanding in his letter No.377/4/Trg dated 18-04-2016 confirms that the application has been thoroughly scrutinized de novo by the appropriate authorities and it stands dismissed being devoid of merit.”

4. In view of the foregoing, it is held that the petitioner has no legal or enforceable right in respect of the present writ petition. Accordingly, the writ petition is dismissed. Consequently, all connected Miscellaneous Petition is also dismissed. No order as to costs.

18.09.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS/ay



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Copy to:

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Rep. by its Director General
NCC Directorate
R. K. Puram, New Delhi.
3. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Youth Welfare and Sports Development,
Fort St. George, Chennai - 600 009.
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NCC Directorate of TN, P&AN,
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DR. A.D. MARIA CLETE, J.

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Pre-delivery Judgment made in
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