

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2021

BEFORE

THE HON'BLE MR.JUSTICE P.B. BAJANTHRI

WRIT PETITION NO.13764/2018 (S-KSRTC)

BETWEEN:

GANGASWAMY C.M.
S/O MARIYALAH,
AGED ABOUT 42 YEARS,
R/A CHOWDANAKUPPA AT & PO,
HULIYUR DURGA HOBLI,
KUNIGAL TALUK,
TUMKUR DISTRICT - 572 123

... PETITIONER

(BY SRI. M.C. BASAVARAJU, ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
BMTC, CENTRAL OFFICES,
K.H. ROAD, SHANTHI NAGAR,
BANGALORE - 560 027.

2. THE CHIEF TRAFFIC MANAGER
BMTC, CENTRAL OFFICES,
K.H. ROAD, SHANTHI NAGAR,
BANGALORE - 560 027

... RESPONDENTS

(BY SMT. H.R. RENUKA, ADVOCATE)

THIS WRIT PETITION FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-2 TO PERMIT THE PETITIONER TO APPEAR FOR ON JOB TRAINING IN THE RESPONDENTS CORPORATION BY CONSIDERING THE REPRESENTATION DTD: 1.9.2017 VIDE ANNEXURE-C TO THE W.P. MADE BY THE PETITIONER UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE OR ALTERNATIVE AND ETC.,

THIS PETITION COMING ON FOR PRELIMINARY HEARING - B
GROUP PHYSICAL HEARING / VIDEO CONFERENCING HEARING
(OPTIONAL), THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

None appears for the petitioner.

2. In the instant petition, petitioner has prayed for the following reliefs:-

- a. Issue a writ in the nature of writ of mandamus directing the second respondent to permit the petitioner to appear for on job training in the respondents corporation by considering the representation dated 01/09/2017 vide Annexure-C to the writ petition made by the petitioner under the facts and circumstances of the case or in alternative.
- b. Pass such other order or orders as this Hon'ble Court may deem fit to grant under the facts and circumstances of the case in the interest of justice and equity.

3. Petitioner's grievance cannot be redressed as he has no statutory right to seek writ of mandamus for the reasons that on 10.08.2006, respondents-Corporation notified selection list of Driver cum Conductor pursuant to the advertisement No.2/2005 dated 02.02.2006 in which petitioner's name appears at Sl.No.12 and respondents-Corporation had specifically stated that such of those selected candidates who fail to report for training within the time limit, order would stand cancelled. Grievance of the

petitioner is to extend the benefit with reference to the order dated 10.08.2006 vide Annexure-B as he was not able to report for training on the specific date prescribed by respondents-Corporation. The petitioner has lost his right to selection and appointment to the post of Driver cum Conductor in view of the conditions imposed in order dated 10.08.2006. Consequently, he has no legal or statutory right to seek writ of mandamus. That apart, petitioner has not questioned conditions imposed in order dated 10.08.2006 vide Annexure-B. There is no merit as well as delay and laches on the part of the petitioner as the petitioner's representation is dated 01.09.2017 for implementation of the order dated 10.08.2006. Accordingly, writ petition stands dismissed with cost of Rs.2,000/-. Cost shall be remitted in the Karnataka State Legal Services Authority by the petitioner within a period of four weeks from the date of receipt of this order.

For compliance, list this petition on 26.08.2021.

Sd/-
JUDGE

KPS