

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.3107 of 2015

R.Amirthavalli

... Petitioner

Vs

1. The Union of India
Rep. by its Chairman cum Secretary [Education],
Government of Puducherry.

2. The Member Secretary cum Principal
Perunthalaivar Kamarajar Institute of
Engineering & Technology,
Nedungadu, Karaikal.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus, directing the respondents to consider petitioner's representation dated 02.06.2013 and reminder dated 23.05.2014, given to the respondents to consider petitioner's request for the appointment to the post of LDC in the 2nd respondent college in the existing vacancy.

For Petitioner : Mr.A.Arunbabu

For Respondents : Mr.A.Tamilvannan,
Government Advocate [Puducherry]

O R D E R

The petitioner, who is a wait listed candidate, seeks direction to the second respondent to appoint her as Lower Division Clerk, pursuant to the notification dated 17 November 2010.

2. The second respondent issued a notification dated 17 November 2010, for appointment to the post of Lower Division Clerk [LDC]. The Selection Committee shortlisted candidates. The petitioner was placed in the waiting list. The petitioner submitted series of representations requesting the second respondent to appoint her in the post of LDC, taking into account the subsequent vacancy. Since the second respondent failed to take follow up action pursuant to those representations, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate on behalf of the respondents.

4. The notification in question was issued on 17 November 2010. Minutes of the Recruitment Committee dated 8 February 2011 indicates that name of the petitioner was put in the waiting list. The selection process attained finality as early as on 8 February 2011. The petitioner now wanted the subsequent vacancies to be filled up on the basis of the waiting list.

5. According to the petitioner, the minutes of the selection committee does not contain any indication that the waiting list is valid for a period of one year only and as such, she is entitled to make a claim for appointment.

6. The selection was made by the respondents pursuant to the notification dated 17 November 2010. Minutes of the Selection Committee dated 8 February 2011 shows that there were 13 vacancies, out of which two were reserved for members belonging to the Most Backward Community. The petitioner belongs to Most Backward Community. Her name was included in the waiting list at S.No.1. According to the respondents, selected candidates have joined service. The petitioner in her representation dated 2 June 2013, submitted that one selected candidate under Most Backward Community category has resigned from the post and as such, she should be selected by operating the reserve list.

7. There is no question of directing the respondents to operate the reserved list after a period of 3½ years. The fact that a selected candidate resigned after a period of three years would not give a right to the wait listed candidates to claim appointment. The fact that the respondents have not stated anything with regard to the validity of the selection list would not give a right to the petitioner to claim appointment after a period of 3½ years.

8. The second respondent is a Puducherry Government Undertaking, which is a State within the meaning of Article 12 of the Constitution of India. In case there are vacancies as on date, necessarily, notification should be issued, calling for applications from open market. There is no question of directing the respondents to accommodate the petitioner by operating the waiting list in spite of the fact that the entire selection was over in the year 2011.

9. I do not find any merit in the contentions taken by the petitioner.

10. In the result, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Chairman cum Secretary [Education],
The Union of India
Government of Puducherry.

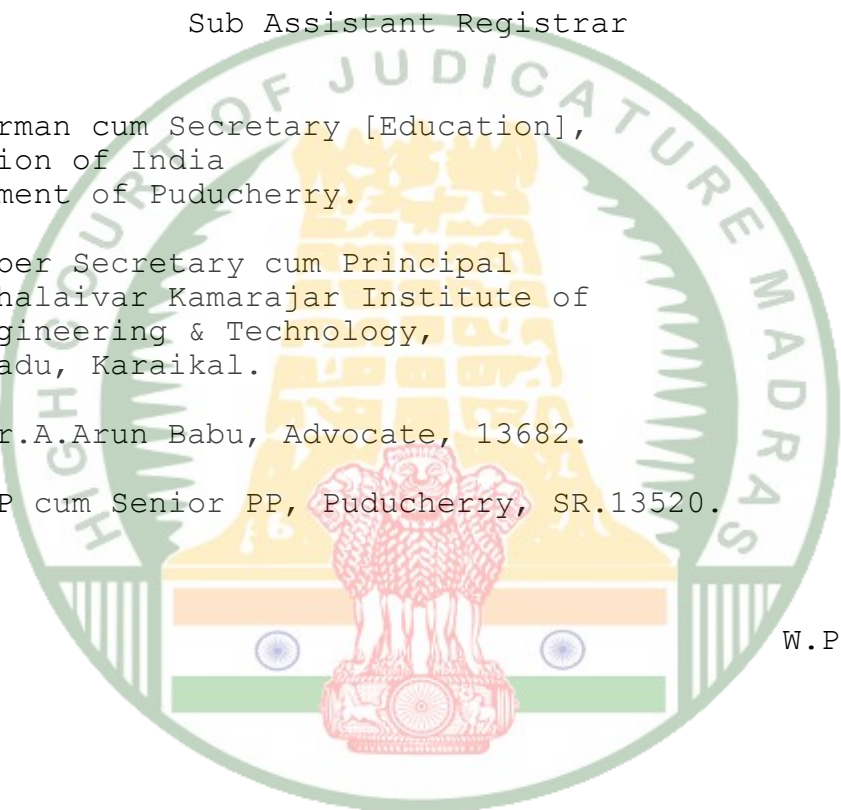
2. The Member Secretary cum Principal
Perunthalaivar Kamarajar Institute of
Engineering & Technology,
Nedungadu, Karaikal.

+1 cc to Mr.A.Arun Babu, Advocate, 13682.

+1 cc to GP cum Senior PP, Puducherry, SR.13520.

vsn(co)
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