

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42616/2016 & WMP.No.36539 & 36540/2016

M.Premkumar

..

Petitioner

Vs.

1.The Assistant Director
Town Panchayat, Vellore
Division, Sathuvachari,
Vellore, Vellore District.

2.The Executive Officer
Thesur Town Panchayat
Thesur, Vandavasi Taluk
Tiruvannamalai District.

3.The District Employment Officer
District Employment Officer
Tiruvannamalai.

4.D.Karunakaran ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records on the file of the 3rd respondent culminated in Letter No.A2/X2/103/2016 dated 27.09.2016 and quash the same and consequently, forbearing the respondents 1 and 2 from selecting the candidates from the list furnished by the 3rd respondent for the post of Office Assistant at Thesur Town Panchayat contrary to the rules and guidelines issued by the Director of Town Panchayat.

For Petitioner : Mr.N.Sampath
For R1 & R3 : Mr.K.Dhananjayan, Spl.GP
For R2 : Mr.S.Babu

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner would state that he was appointed as a
<https://hcservices.ecourts.gov.in/hcservices/>

driver in temporary capacity in the services of Thesur Town Panchayat and claims to be working in that post till date and he would further stated that there is a vacant post for Office Assistant in the very same local body and the 2nd respondent has called for the applications from the eligible candidates for the said post through the Employment Exchange and also by paper publication and the jurisdictional Employment Exchange had also sponsored the names of some of the candidates for the above said post and on seeing the paper publication, the other candidates had applied for the same. The petitioner, in response to the paper publication, applied for the said post and he would claim that he is having all the necessary and prescribed qualification and as such, his application dated 21.07.2016 for selection and appointment to the said post ought to have been considered and in fact, he was called for an interview by the 2nd respondent on 29.07.2016 and he has also participated and performed extremely well. The petitioner would further state that later on, he came to know that the 2nd respondent in collusion with the 1st respondent is trying to appoint some persons known to him and therefore, called for fresh applications for the said post, by issuing a paper publication on 12.09.2016.

3 The learned counsel for the petitioner would submit that though the name of the 4th respondent has been registered on an earlier occasion, once again his name has been sponsored by the 3rd respondent and only for the purpose of appointing the 4th respondent, the 3rd respondent has resorted to fresh selection process and therefore, prays for interference.

4 Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 3 and Mr.S.Babu, learned counsel accepts notice on behalf of the 2nd respondent and would submit that the petitioner is not a selected candidate and unless and until he has been issued with any appointment order, he cannot claim any right by virtue of his participation in the selection process and prays for dismissal of this writ petition.

5 This Court paid its best attention to the rival submissions and also perused the materials placed before it.

6 The 3rd respondent, in the impugned letter dated 27.09.2016 addressed to the 2nd respondent has drawn the attention to the Government Order in G.O.Ms.No.44, Labour and Employment, dated 11.03.2015 as well as to the judgment and orders passed by this Court in WA.No.1027/2013 and WP.No.26162/2016 and indicated the methodology to be followed. The petitioner has merely participated in the selection process and he has not been issued with any appointment order

and the 2nd respondent thought fit to cancel the selection process and go in for a fresh one. In the considered opinion of this Court, unless and until the petitioner is issued with any appointment order, he cannot claim, as a matter of right, for selection and appointment, in pursuant to the earlier notification and the 2nd respondent, due to administrative reasons, has gone in for fresh selection process and it cannot be faulted with. The petitioner has also not pointed out the violation of his legal right on the part of the 2nd respondent. In the considered opinion of this Court, the writ petition lacks merit and substance.

7 Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

AP

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Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1.The Assistant Director
Town Panchayat, Vellore
Division, Sathuvachari,
Vellore, Vellore District.

2.The Executive Officer
Thesur Town Panchayat
Thesur, Vandavasi Taluk
Tiruvannamalai District.

3.The District Employment Officer
District Employment Officer
Tiruvannamalai.

C.C. to M/S.N.SAMPATH Advocate SR.NO.72002

C.C. to The Government Pleader SR.NO.72061

WP.No.42616/2016

SK CO

VS 29.12.2016