

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4077 of 2014

T.Tamilselvan

..Petitioner

vs

1.State of Tamil Nadu,
Rep.by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 006.

2.Directorate of Public Health and
Preventive Medicine,
Chennai - 6.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing 2nd respondent to consider the representation dated 27.01.2014 of the petitioner for appointment to the post of Diploma Ophthalmic Assistant.

For Petitioner: M/s.S.Esai Rani

For Respondents: Mr.R.Vijaya Kumar
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the 2nd respondent to consider the representation submitted by the writ petitioner on 27.01.2014.

2.On a perusal of the copy of the representation enclosed in Page.14 of the typed set of papers, this Court is able to see that the petitioner has completed the course of Diploma in Optometry and registered his name in the employment exchange. Even after the completion of 10 years, the writ petitioner has not received any call letter for appointment. Under these circumstances, a representation was submitted on 27.01.2014, to consider the case of the writ petitioner for appointment.

3.Appointment can never be claimed as a matter of right. A mere completion of the Diploma Course cannot confer a right on the writ petitioner to claim appointment. Only in the event of issuing notification for recruitment and after participating in the process of selection, the writ petitioner can aspire for appointment and a mere submission of representation to the competent authorities will not confer any right on the writ petitioner to claim appointment. Registering the name in the employment exchange is only a facility provided by the State and in the event of taking a decision for recruiting a person through employment exchange, then, a call letter will be communicated in accordance with the employment seniority. Thus, a mere registration of the name in the employment exchange will not confer any right on the candidate to claim appointment as a matter of right. A facility provided by the State Government under particular scheme has to be implemented in accordance with the Rules in force and by following the employment seniority.

4.In this view of the matter, this Court is of the view that the writ petitioner has not established any semblance of right, so as to consider the relief as such sought for in this writ petition. Even, a direction to consider the representation in the nature of recommendation, cannot be passed and it is mandatory that the writ petitioner has to establish a right for seeking such direction. In other words, establishing a right is a pre-condition for entertaining the writ petition under Article 226 of the Constitution of India.

5.This being the factum of the case, no further adjudication on the grounds raised in this writ petition is required. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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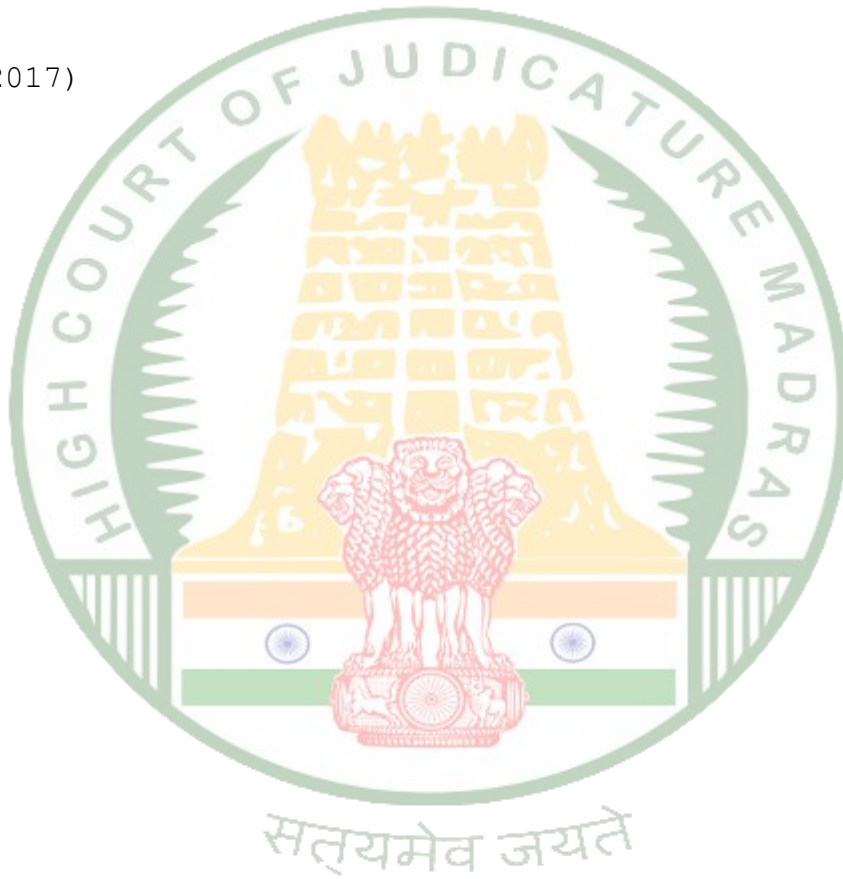
To

1.The Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.

2. Directorate of Public Health and
Preventive Medicine,
Chennai - 6.

W.P.No.4077 of 2014

RK (CO)
sp (31/10/2017)



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