

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.09.2017

CORAM

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

W.P.No.10783 of 2016

and

WMP.Nos.9435 & 9436 of 2016

N.Mani

..Petitioner

Vs

1.The Secretary to Govt.,
Labour and Employment
(T2 Department),
Secretariat, Chennai.

2.The Director,
Employment and Training Department,
Employment and Training Office,
Alandur Main Road,
Chennai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records in respect of the G.O.Ms.No.44 dated 11.3.2015 Labour and Employment (T-2 Department) and consequent proceedings of the 2nd respondent dated 11.1.2016 in Na.Ka.No.44400/Technical/2014 and quash the same and consequently direct the respondents to appoint the petitioner as Junior Training Officer in the 2nd respondent office as 1:1 basis.

For Petitioner : Ms.S.Uma Maheswari
for M/s.D.Rajagopal

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

The writ petitioner has challenged the G.O.Ms.No.44 Labour and Employment Department dated 11.3.2015 and the consequential proceedings of the second respondent dated 11.1.2016 and further seeks for a direction to appoint the petitioner as Junior Training Officer in the Department of Training.

2. Ms.S.Umamaheswari, the learned counsel appearing for the writ petitioner has vehemently contended that the writ petitioner registered his name before the Employment Exchange on 01.07.1986 at Erode and periodically renewing his employment registration without any default. The writ petitioner is waiting for the past 30 years with the fervent hope that he will get a chance for appointment as per his employment seniority. However, the writ petitioner has not received any such call letter from the District Employment Exchange nor his name was sponsored for appointment to any organization. The learned counsel further states that the writ petitioner is now aged about 54 years and even now he is waiting for public employment. This apart, the Government also changed the recruitment procedure for appointment to the post of Junior Training Officer in the Department of Training.

3. In this regard the G.O.Ms.No.44, dated 11.3.2015 was issued, by which the Government has now introduced open competitive process method and therefore the petitioner is not in a position to participate, in view of his over age. Pursuant to the Government Order, the second respondent issued a notification on 12.1.2016 inviting applications through on-line mode for direct recruitment to the post of Junior Training Officer post in Government Industrial Training Institute in the State of Tamil Nadu, Directorate of Employment and Training, Chennai, for the year 2014-2015. The notification was called inviting applications through on-line mode for 329 vacancies of Junior Training Officers. The writ petitioner has chosen to challenge the notification as well as the Government Order modifying the mode of recruitment from employment seniority through the open competitive process.

4. All appointments to the public post are to be filled up by way of open competitive process by providing equal opportunity to all the citizens of this great nation. Providing equal opportunities is a constitutional mandate and there cannot be any back door entry in respect of public employment. Changing of the procedure of recruitment is the administrative prerogative of the State and the writ petitioner cannot question the same. The method of selection or process of selection can be questioned only on limited grounds and more specifically, if the process of selection is contrary to any statutory rules or if

there are any irregularities or illegality during the course of selection. In the absence of any such legal grounds, the mere change in the selection process or modification in the educational qualifications or otherwise cannot be questioned by the candidates. However, the writ petitioner is now aged about 54 years and certainly over aged and the relief as such sought for in this writ petition also cannot be considered.

5. In view of the fact that the writ petitioner is not an aggrieved person and there is no cause of action for the writ petitioner to move this writ petition under Article 226 of the Constitution of India and also the writ petitioner has not established any semblance of right so as to entertain the grounds made out in this writ petition.

6. This Court is not inclined to consider the writ petition. Accordingly, the writ petition stands dismissed. Consequently connected miscellaneous petitions are also dismissed. However, no order as to costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ms

To

1.The Secretary to Govt.,
Labour and Employment
(T2 Department),
Secretariat, Chennai.

2.The Director,
Employment and Training Department,
Employment and Training Office,
Alandur Main Road,
Chennai.

+1 CC to Government Pleader, High Court, Chennai Sr.No.69433

W.P.No.10783 of 2016

SV(CO)
KP(12.10.2017)