

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20306 of 2014

G.Gunasekaran

..Petitioner

Vs.

1.The Junior Engineer
Urban-II Construction
Tamil Nadu Electricity Board
Gudiyaatham
Vellore 632 602.

2.The Superintendent Engineer
Tamil nadu Electricity Board
Thirupathur Taluk, Vellore 632 602.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to consider the representation dated 07.02.2013, for providing suitable job for the petitioner in Tamil Nadu Electricity Board.

For Petitioner :No appearance

For Respondents :Mrs.R.Varalakshmi
Standing Counsel

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ORDER

The relief sought for in this Writ Petition is to direct the respondents to consider the representation submitted by the petitioner dated 07.02.2013, for providing suitable job for the writ petitioner in Tamil Nadu Electricity Board.

2.The writ petitioner claims that he was employed as a Contract Labourer and his services were not regularised. Therefore, the writ petitioner submitted a representation on 07.02.2013.

3.On a perusal of the copy of the representation, it is stated that the writ petitioner seeks permanent absorption in the respondent Board. However, the representation was sent to the Hon'ble Chief Minister of the State. First of all, such a representation addressed to the Hon'ble Chief Minister's Cell cannot be considered by this Court for issuing any direction under Article 226 of the Constitution of India. The writ petitioner has not established any semblance of legal right so as to consider his relief for direction to consider his representation. Even for a direction to consider the representation, the petitioner has to establish a legal right. Thus, this Court is of the view that the relief as such sought for in this writ petition cannot be considered and

further the appointment can never be claimed as a matter of right and all appointments to the public posts have to be undertaken only in accordance with the Recruitment Rules in force and by way of a representation, the writ petitioner cannot seek any permanent appointment in the Government Post. The petitioner has to participate in the 'open competitive process' in accordance with the Rules and secure appointment. A mere representation will not constitute a right to seek appointment or to seek for a direction by way of a writ petition under Article 226 of the Constitution of India.

4. Accordingly, the Writ Petition stands dismissed. No costs.

23.10.2017

rpa

To

1. The Junior Engineer
Urban-II Construction
Tamil Nadu Electricity Board
Gudiyaatham
Vellore 632 602.

2. The Superintendent Engineer
Tamil Nadu Electricity Board
Thirupathur Taluk, Vellore 632 602.

S.M.SUBRAMANIAM, J.,

rpa



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