

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2017

CORAM

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

W.P. No.5458 of 2014

S.Amuthavelu

.. Petitioner

Vs

1. The Chairman cum Managing Director,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
No.144, Anna Salai,  
Chennai-2.
  - 2.The Chief Engineer, Personnel,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
No.144, Anna Salai,  
Chennai-2.
- .. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to absorb the petitioner as Helper in the Tamil Nadu Electricity Generation and Distribution Corporation Ltd., based on his apprenticeship training in the Board by considering his representation dated 03.09.2013.

For Petitioner : Mr.G.Ananda Kumar  
For Respondents: Mr.P.R.Dhilip Kumar

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to absorb the petitioner as Helper in the Tamil Nadu Electricity Generation and Distribution Corporation Ltd., based on his Apprenticeship Training in the Board by considering his representation dated 03.09.2013.

2.The learned counsel for the writ petitioner would submit that the petitioner has completed ITI in the trade of Fitter and accordingly permitted to undergo Apprenticeship training for a period of one year in the respondent Board. He had successfully underwent Apprenticeship training in between the period from 20.06.2003 to 19.06.2004. Based on the Apprenticeship training, the writ petitioner claims that he should be considered for appointment to the post of Helper.

3. The learned counsel for the writ petitioner states that large number of vacancies in the cadre of Helper as well as Fitter are available with the respondent Board. In the year 2011, the respondents are initially filled up these posts since the posts were vacant and the claim of the petitioner should be considered by the respondents. In this regard, the writ petitioner has submitted a representation to the respondents on 03.09.2013 and the same is yet to be considered. Under these circumstances, the learned counsel for the writ petitioner would urge this Court to direct the respondents to consider his representation to appoint him to any one of the posts lying vacant from the year 2011.

4. This Court is of the view that the appointment can never be claimed as a matter of right. Appointment to the public post has to be filled up only under the constitutional schemes by following the Recruitment Rules in force. Equal opportunity in public employment is constitutional mandate and there cannot be any discrimination in this regard and the eligible persons are to be provided with the opportunity to submit their applications to participate in the process of selection and the respondent Board is bound to issue a notification in this regard inviting applications and conduct recruitment in open competition process by following the Recruitment Rules in force.

5. Thus this Court is of the opinion that the writ petitioner has not established any semblance of legal right so as to consider his claim for appointment. Even for issuing a direction to consider his representation, it is necessary that the writ petitioner has to establish his right to claim such appointment.

6. In these circumstances, it is for the writ petitioner to participate in the open competitive process at the time of issuance of notification by the respondent Board to get selected by participating in the process of selection. Accordingly, no further adjudication on merits needs to be considered in this writ petition.

7. Thus, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS V)

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Sub Assistant Registrar

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To

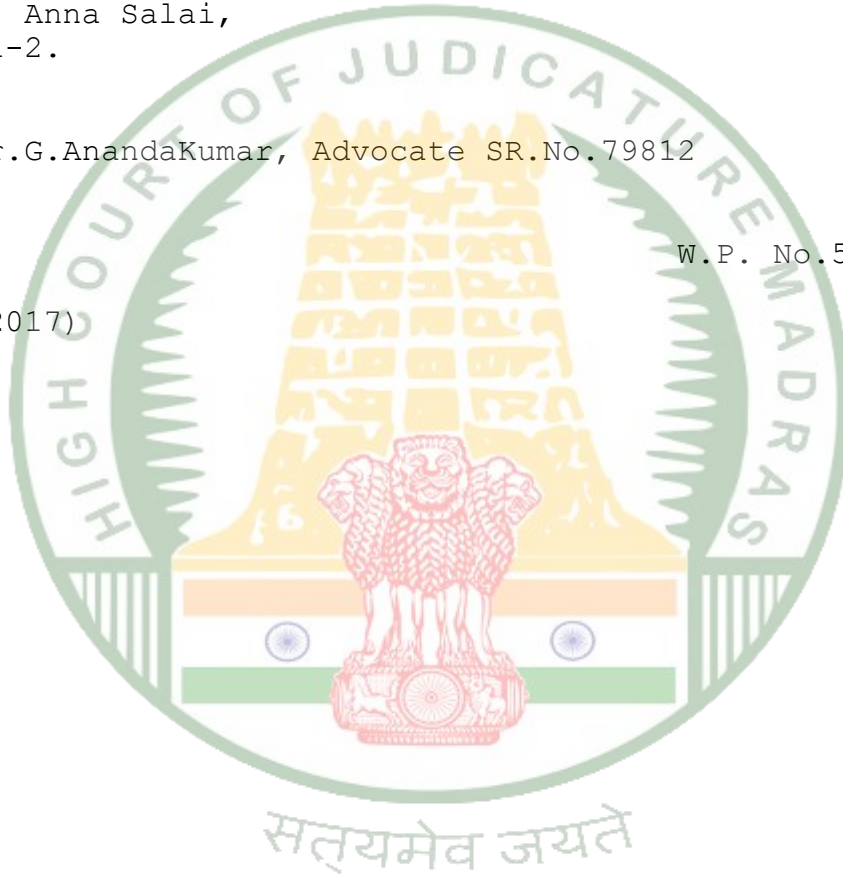
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+1cc to Mr.G.AnandaKumar, Advocate SR.No.79812

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GJ(CO)  
GN(05/12/2017)



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