

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2017

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.6426 of 2014
and
M.P.No.1 of 2014

K.Anitha devi ... Petitioner

Versus

Tamil Nadu Generation and Distribution,
Corporation Limited,
Rep.by its Chairman,
No.114, Anna Salai,
Chennai - 600 002. ... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the respondents to include the petitioner's name in the selection list published on 24.02.2014 and to appoint the petitioner as Technical Assistant / Electrical with all consequential benefits.

For Petitioner : Mr.M.Gnanasekar

For Respondent : Mrs.R.Varalakshmi

ORDER

The relief sought for in this writ petition is for a direction to the respondents to include the petitioner's name in the selection list published by the respondent on 24.02.2014 and appoint the writ petitioner to the post of Technical Assistant / Electrical.

2. The learned counsel for the writ petitioner made a submission that the petitioner has completed Diploma in Electronics and Communication Engineering with first class. In fact, the petitioner belongs to scheduled caste community. Accordingly, she has submitted an application under the priority quota. The petitioner is further eligible to avail the priority quota under the intercaste married couple in Group II category.

The name of the writ petitioner was sponsored through employment exchange for the appointment to the post of Technical Assistant / Electrical. The writ petitioner participated in the process of selection and not selected. Thus, the petitioner is constrained to move this writ petition.

3. The learned counsel appearing for the respondent opposed the contentions of the writ petitioner by stating that the writ petitioner was considered under the priority quota and infact she has not secured the cut of mark in respect of the category belongs to the writ petitioner. Infact, the cut of mark was 72.26 and the writ petitioner secured 62.48 marks. Thus, the writ petitioner was not qualified for appointment and accordingly, her candidature was rejected by the respondent.

4. Mere participation in the process of selection will not confer any right on the candidate to approach the High Court under Article 226 of the Constitution of India. Selection itself will not confer any right on the candidate. The right will accrue only after issuance of appointment order by the competent authority. No doubt, the petitioner participated in the selection process under the priority quota and her case was considered. However, the writ petitioner has not secured required cut of mark 72.26. Thus, there is not infirmity in the rejection of the candidature of the writ petitioner by the respondent.

5. This apart, the writ petitioner has not established any irregularity or illegality in the process of selection. The writ petition is filed only under pretext that the writ petitioner participated in the process of selection and therefore she must be included in the selection list and an order of appointment must be issued. The writ petitioner has made a statement in the affidavit filed in support of the writ petition that the names of some persons who secured lesser marks were included in the selection list. However, the allegations are not substantiated by producing any materials or otherwise before this Court. A mere allegation cannot be the ground for issuing a direction to the respondent. Thus, this Court is of the opinion that the writ petitioner has failed to establish any legal right so as to consider any relief as sought for in this writ petition. Establishing a legal right is pre-condition for entertaining a writ petition under Article 226 of the Constitution of India. Thus, no further adjudication on merits needs to be under taken in this writ petition.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

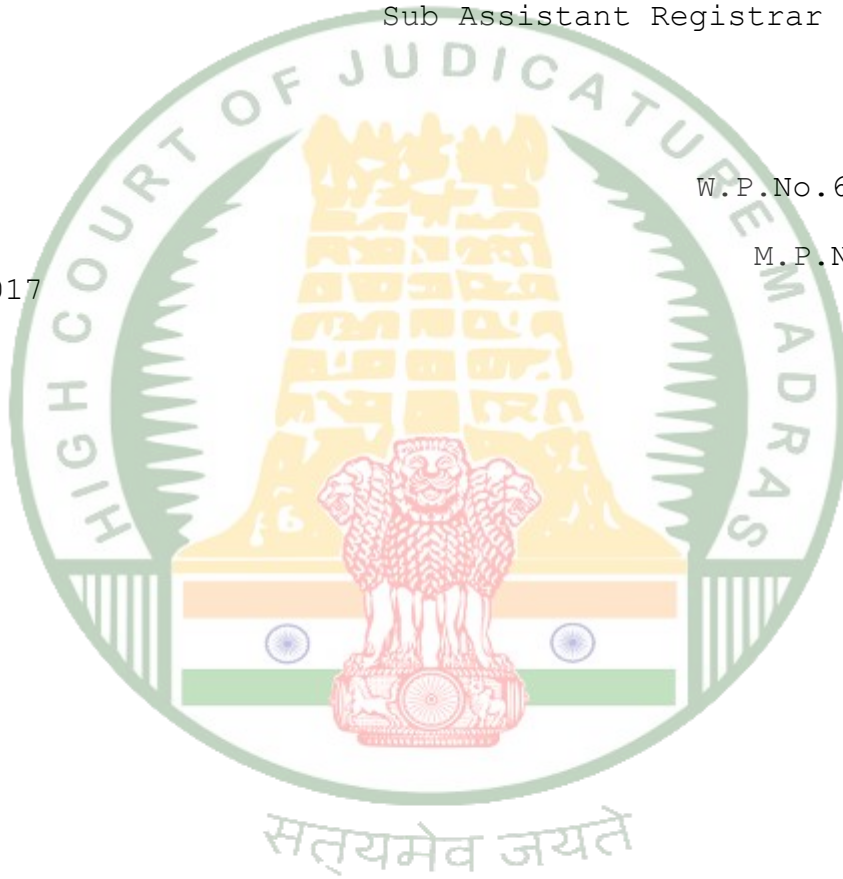
Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

sm:4.12.2017

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