

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 21.07.2014****CORAM:****THE HON'BLE MR.SATISH K.AGNIHOTRI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.M.SUNDRESH****W.P.No.955 of 2014**

Mr.K.Radjacanabady

.... Appellant

Vs.

1. The Secretary to Government (Education)
-cum-Chairman, PIPMATE,
Chief Secretariat,
Puducherry - 605 001

2. The Member Secretary,
PIPMATE, PIPMATE Building,
Lawspet, Puducherry - 605 008.

... Respondents

PRAYER: Writ Appeal filed under clause 15 of the Letters Patent Act
against the Order dated 3.7.2014 made in W.P.No.17474 of 2014 on the
file of this Court.

For Appellant : Mr.S.Rajeni Ramadass

JUDGMENT

The appellant herein was the writ petitioner before the learned single Judge. The appellant is working as the Head of the Department of Civil Engineering under the 2nd respondent. The next avenue for promotion for

the appellant is to the post of Principal. A decision was made to amend the concerned rules pertaining to the qualification for the post of Principal. If the said decision is implemented the appellant would be entitled to be considered for the said post. However, the proposed amendment has not been brought forth. Therefore, the appellant filed writ petition before the learned single Judge seeking a direction to respondent No.2 to amend the recruitment rules, which if done so, would entitle the appellant to be considered for the post of Principal.

2. The learned single Judge dismissed the writ petition by holding that a Court of law in exercise of its writ jurisdiction cannot issue a positive direction compelling the authority to amend the rules. Challenging the same, the present appeal has been filed.

3. Learned counsel appearing for the appellant submitted that the proposed amendment is only consequential and formal to the recruitment rules. Having taken a decision the respondents will have to make necessary amendment;s. Therefore, the writ appeal will have to be allowed.

4. We do not find any merit in this appeal. It is totally within the domain of the respondents to bring forth the amendments, if they so intend. On the contrary, this Court cannot force them to pass the necessary amendments. There is neither a statutory duty on the part of the

respondents nor a legal right in favour of the appellant for issuance of such a writ. In such view of the matter, we do not find any reason to interfere with the order passed by the learned single Judge.

5. Accordingly, the writ appeal is dismissed. However, there is no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

(S.K.A.,A.C.J.) (M.M.S.,J.)
21.07.2014

Index:Yes/No
Internet:Yes
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To

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PIPMATE, PIPMATE Building,
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**The Hon'ble The Acting Chief Justice
and**

M.M.Sundresh,J.

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