

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.5694 of 2017

K.Ayothi

[PETITIONER]

Vs

1. The Chief Secretary to
Government of Tamilnadu
Public (Service-A) Department
Fort St. George, Chennai 600 009.
2. The Director
The Office of Director of Health Services
Thiruvannamalai.
3. The Deputy Director
Office of Director of Health Services
Thiruvannamalai.

[RESPONDENTS]

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the Respondents herein to appoint the petitioner relating to the proceedings in Na.Ka.No. 6935/A6/2015 dated 12.01.2016 to the post of Multispecialty Hospital Mazdoor at Thiruvannamalai District within a time frame that may be stipulated by this Court.

For Petitioner : Mr.P.R.Balasubramanian

For Respondents: K.Dhananjayan

Spl Govt.Pleader

O R D E R

The relief sought for in this Writ Petition is for issuance of a direction to the respondents to appoint the petitioner in reference to the proceedings dated 12.01.2016, to the post of Multi Speciality Hospital Mazdoor in Thiruvannamalai District.

2.On a perusal of the letter cited above dated 12.01.2016, it is only a 'Call Letter' sent to the petitioner to participate in the interview, for recruitment to the post of Watchman.

3.The appointment can never be claimed as a matter of right. Equal opportunity in Public Employment is a Constitutional mandate. Opportunity to all the citizens to participate and

contest for recruitment to the Public Employment is to be made available. Any method of appointment other than Constitutional Scheme are invalid. In the event of effecting such appointments, it will certainly be in violation of Articles 14 & 16 of the Constitution of India. Equal opportunity in employment means, for all recruitment to the Public Post to be undertaken only through Constitutional Schemes and under the Recruitment Rules in force. It is the duty of the State and the Union to see that all such appointments are made by following the Recruitment Rules. Any violation by the Officials in this regard to be viewed seriously. The officials making appointments at their whims and fancies, in violation of Recruitment Rules should be certainly punished under the Tamil Nadu Civil Services (Discipline & Control) Rules. The Government should be vigil against the erring officials in this regard.

4. In the case on hand, the writ petitioner claims that he is eligible for appointment to the post of Night Watchman and he was called for an interview, but, not selected. The learned counsel appearing for the petitioner contended that the case of the writ petitioner has to be considered sympathetically, on the ground that he is a differently abled person and already worked on temporary basis.

5. This Court is of an undoubted opinion that the opportunity to the similarly placed persons like the writ petitioner to be provided equally to all. There are many such physically challenged persons in this Country, waiting for Public Employment. Thus, no preference can be shown to the writ petitioner alone, since because he moved this Court under Article 226 of the Constitution of India. Equal opportunity to similarly placed persons also is a constitutional requirement.

6. In view of the legal principles, this Court is of the clear opinion that showing unnecessary sympathy and leniency in the matter of Public Employment will create inequity and certainly the Courts should not deprive the rights of all other eligible citizens of this great Nation. Such being the legal factum, no consideration can be shown in respect of the claim made in this Writ Petition. Accordingly, the Writ Petition stands dismissed. No costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

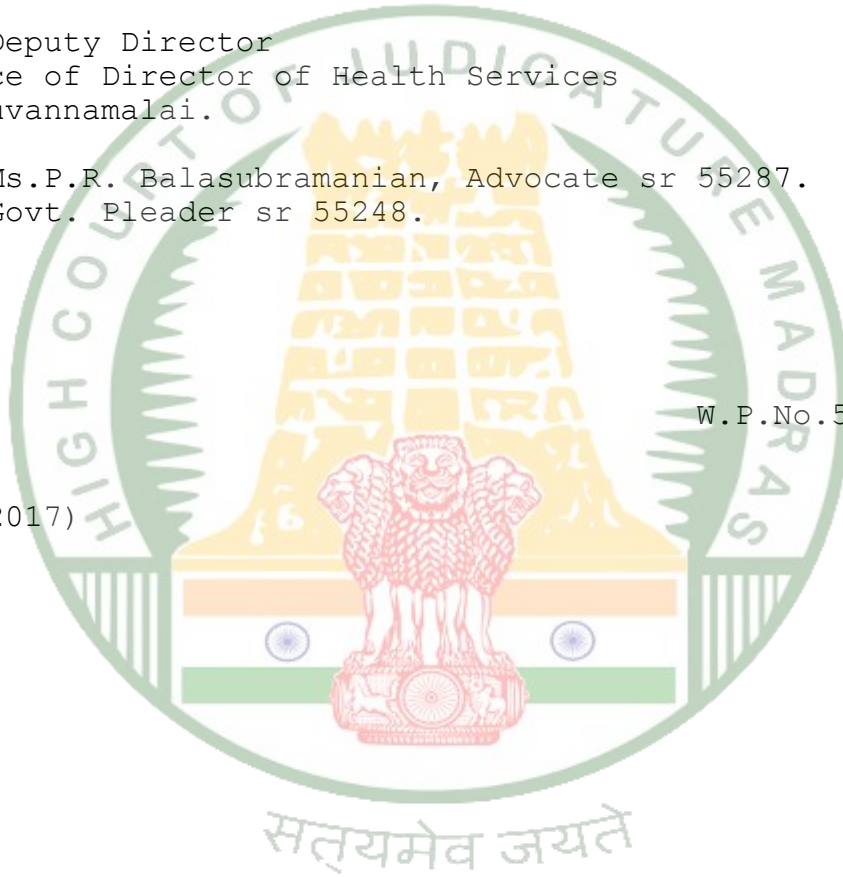
To

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3. The Deputy Director
Office of Director of Health Services
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+1 CC to Ms.P.R. Balasubramanian, Advocate sr 55287.
+1 CC to Govt. Pleader sr 55248.

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RSI (CO)
sp(22/08/2017)



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