

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13129 of 2016

Illamalli

... Petitioner

Vs.

1. The District Collector,
Tiruvannamalai District.
Tiruvannamalai.

2. The Block Development Officer,
Vembakkam Union,
Tiruvannamalai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to appoint the petitioner in the post of Noon-Meal Organizer as per the selection list published by the second respondent by considering her representation dated 07.03.2016.

For Petitioner : Mr.M.Guruprasad

For R1 : Mr.S.Gunasekaran
Additional Government Pleader

For R2 : Mr.S.Diwakar

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to consider the representation to appoint Noon-Meal Organizer as per the selection list published by the second respondent by considering her representation of the writ petitioner dated 07.03.2016.

2.The learned Additional Government Pleader made a submission that the post was filled up and another person was appointed and working. Thus, the prayer sought for cannot be granted in this writ petition.

3.The learned counsel appearing for the writ petitioner submits that the writ petitioner was already selected and in

view of the selection made by the respondent the order of appointment is to be granted in favour of the writ petitioner.

4.Appointment can never be claimed as a matter of right. A mere selection will not confer any legal right to claim for an appointment. The appointment made in respect of other candidate is not under challenge in this writ petition. The process of selection can be challenged only in the event of establishing the fact that the authorities have committed any irregularity or illegality or malpractices in the process of selection. In the absence of any of these legal grounds, the candidate cannot claim appointment merely on the ground that her name was included in the selection list. Mere inclusion in the selection list cannot provide a right for the writ petitioner to seek an order of appointment.

5.On a perusal of the writ petition also the writ petitioner has not established any such legal grounds relating to the irregularities or illegalities in the process of selection. Thus, the relief as such sought for cannot be granted, since the writ petitioner has not established any semblance of right to seek the prayer of direction to issue an order of appointment.

6.Question of considering the writ petition also does not arise, since the writ petitioner has not established her right in respect of her appointment to the post of Noon-Meal Organizer. It is left open to the writ petitioner to initiate action if any irregular appointment is made in the post, in this regard.

7.Accordingly, the other grounds raised in this writ petition deserve no further consideration. Thus, the writ petition stands dismissed accordingly. No Costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msm

To

1. The District Collector, Tiruvannamalai District.
Tiruvannamalai.

2. The Block Development Officer,
Vembakkam Union, Tiruvannamalai District.

+1cc to the Government Pleader SR. 69806
+1cc to M/S.S.Diwagar, Advocate Sr. 69762

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SS (CO)
VR(06/11/2017)



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