

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2017

Coram

The Honourable Mr.HULUVADI G.RAMESH,
ACTING CHIEF JUSTICE
and
The Honourable Mr.Justice RMT.TEEKAA RAMAN

W.A.NO.337 OF 2017

V.Raja ... Appellant

Versus

1. The District Collector,
Collectorate,
Villupuram District.
2. The Tahsildar,
Gingee taluk,
Villupuram District. ... Respondents

Prayer: This Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 13.04.2016 passed by the learned single Judge in W.P.No.13730 of 2016.

W.P.No.13730 of 2016:

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the representation of the petitioner dated 31.03.2016 and appoint the petitioner as Village Assistant in the existing vacancies.

For Appellants : Mr.P.Vijendran
For Respondents : Mr.R.Vijayakumar, AGP

JUDGMENT

(Judgment of the Court was made by
THE ACTING CHIEF JUSTICE)

This Writ Appeal arises out of the order dated 13.04.2017 passed by the learned single Judge in

W.P.No.13730 of 2016 dismissing the writ petition filed by the appellant, seeking to appoint him as Village Assistant in any one of the existing vacancies.

2. Heard the learned counsel for the appellant and the learned Addl. Government Pleader for the respondents.

3. It appears that the appellant was issued thrice with call letters for the post of Village Assistant, but he was not selected. According to him, out of 8 vacancies, six posts were only filled up and as there were two posts available, he made a representation to the respondents, seeking to provide him with employment. Since the representation of the appellant was not considered, he came forward with the writ petition.

4. By order dated 13.4.2016, the learned Judge dismissed the writ petition on the ground that the appellant has not made out the case and he has not mentioned what were the vacancies available and where. The learned counsel for the appellant would submit that despite the availability of vacancies, the learned Judge has not considered the claim of the appellant.

5. Mandamus cannot be issued for providing appointment as the way in which the appellant sought for. The grievance of the appellant is that despite of number of vacancies available, his case was not considered. In para 4 of the order, the learned single Judge has observed as under:

"4. The petitioner has not mentioned what are the vacancies available where. Besides, he made only vague averments in the pleadings which has not made out his case. When he failed to make out his case, this Court is not inclined to allow this Writ Petition. Therefore, the writ petition fails and the same is dismissed."

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6. A perusal of the above, we do not find any infirmity in the order passed by the learned Judge in order to interfere with the same. The appellant, having failed in selection process, cannot claim as a matter of right, to provide him employment on the ground that there were vacancies, which are to be filled up by following due process of selection.

In view of the above, the Writ Appeal is dismissed as devoid of merits. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Collectorate,
Villupuram District.
2. The Tahsildar,
Gingee taluk,
Villupuram District.

+1 CC to Mr.P.Vijendran, Advocate sr 19848
+1 Cc to The Govt. Pleader sr 19891

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