

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.12.2017

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1943 of 2011

R.Thirumaran

..Petitioner

Vs

The General Manager,
Representing -
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.
Villupuram Region,
Villupuram District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Tamil Nadu State Transport Corporation (Villupuram) Ltd., to appoint the Petitioner as conductor in one of the vacancies reserved for Schedule Caste candidates, or that has arisen and pass such other or further orders as this Hon'ble Court may deem fit and proper and thus render justice.

For Petitioner : M/s.Prof.S.Krishnaswamy
For Respondents : Mr.T.Chandrasekaran

O R D E R

The relief sought for in this writ petition is for a direction to the respondent to appoint the petitioner as Conductor in any one of the vacancies reserved for Schedule Caste candidates.

2.The learned counsel for the writ petitioner states that the petitioner had undergone the training for Conductor and obtained a license in this regard. The writ petitioner registered his name in the Employment Exchange and he was called for an interview by the respondent Board for appointment to the post of Conductor. However, he was not selected and therefore, the petitioner is constrained to move this writ petition under Article 226 of the Constitution of India seeking appointment.

3.The learned counsel appearing for the respondent made a submission that no doubt, the writ petitioner had participated in the process of selection. However, he was not selected on account of under performance. Thus, the writ petition deserves no consideration at all. The learned counsel further states that even at the time of filing of the writ petition in the year 2011, the writ petitioner was aged about 45 years and now, he would be about 53 years of age. Thus, the case of the writ petitioner cannot be considered for appointment at any circumstances.

4.This Court is of the opinion that appointment can never be claimed as a matter of right. All appointments are to be made only by following the recruitment rules in force. Mere participation in the process of selection will not confer any right on the candidates to claim appointment or to file a writ petition for a direction to issue an order of appointment. Even, the participation in the selection will not confer any right. Only if an order of selection culminated into an order of appointment, then only, the right will accrue. This Court is of the view that the writ petitioner has not established even a semblance of legal right so as to issue any such direction as such sought for in this writ petition.

5.This apart, the petitioner as of now, aged about 53 years and therefore, he cannot be considered for any appointment in public service.

6.Accordingly, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

The General Manager,
Representing - Tamil Nadu State Transport
Corporation(Villupuram)Ltd.
Villupuram Region,
Villupuram District.

+1 CC to Mr.T. Chandrasekaran, Advocate sr 87612.

W.P.No.1943 of 2011

SP(28/12/2017)