

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14882 of 2015
and
M.P.Nos.1 & 2 of 2015

R.Mani ..Petitioner
Versus

1. The District Collector,
Dharmapuri District,
Dharmapuri.
 2. The Director of School Education,
College Road,
Nungambakkam,
Chennai - 600 006.
 3. The Chief Educational Officer,
District Educational Office,
Dharmapuri - 636 705.
 4. The District Educational Officer,
District Educational Office,
Dharmapuri - 636 705.
 5. District Employment Officer,
Pannagaram Road, (Near railway gate)
Dharmapuri - 636 701.
- ..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the Impugned notices issued in the daily Tamil newspaper "Daily Thanthi" dated 22.04.2015 and 06.05.2015 by the 3rd respondent and to quash the same, consequently direct the 3rd respondent to fill the lab assistant post in the Dharmapuri District on the basis of 5th respondent eligible candidate list, within a time frame to be fixed by this Hon'ble Court.

For Petitioner :Mr.T.Karunakaran

For Respondents :Mr.K.Dhananjayan
Special Government Pleader

O R D E R

The notifications issued in the daily Tamil Newspaper "Daily Thanthi" dated 22.04.2015 and 06.05.2015 are under challenge in this writ petition.

2. On perusal of the public notice made out in "Daily Thanthi" on 22.04.2015, it is a notification relating to recruitment to the post of Lab Assistant in the Education Department. The qualification and the method of application to be submitted and other details are furnished in the publication dated 22nd April 2015. The writ petitioner claims that he is also a qualified person for recruitment to the post of Lab Assistant in Dharmapuri District and thus, he should be appointed.

3. The learned Additional Government Pleader made a submission that the process of recruitment was completed in respect of all the Districts in the State except Thiruvannamalai District, wherein an interim order was granted by this Court and subsequently, the same was vacated and pursuant to the modification of the interim order, in Thiruvannamalai District also the authorities effected the appointments. Such being the factual position, no further consideration is to be shown on the claim made in this writ petition.

4. Apart from these submissions made on behalf of the respondents, this Court is of the view that the challenge in this writ petition is a publication in respect of recruitment to the post of Lab Assistant in Education Department. Appointment can never be claimed as a matter of right and if the writ petitioner on his participation in the recruitment process succeeded, then, his claim regarding the appointment can be entertained but not otherwise. A mere challenge of notification can be done only on exceptional circumstances if there is any legal infirmity in the publication. Thus, this Court is of the opinion that mere challenge of publication of recruitment notification cannot be a ground for the writ petitioner to claim the right of appointment to the post of Lab Assistant. All the eligible candidates have to participate in the recruitment process by appearing in the written examination and interview and only the successful candidates will be appointed to the post, which is notified. This being the legal dictum, the claim of the writ petitioner that he should be appointed to the

post of Lab Assistant cannot be entertained. More over, the recruitment process is completed and selected persons are appointed and it is for the writ petitioner to compete in the next selection. The writ petitioner should not get discouraged and may participate by putting more efforts in future.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

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- + 1 cc to M/s. T. Karunakaran, Advocate Sr.55320
+ 1 cc to Government Pleader SR.55247

W.P.No.14882 of 2015

RR(CO)

EU 30/08/17