

In the High Court of Judicature at Madras

Dated : 08.12.2017

Coram:

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P.No.20927 of 2011

T.Sundararaj

...Petitioner

Vs

1.The District Collector,
Thiruvanamalai District,
Tiruvanamalai District-606 601.

2.The Block Development Officer,
Pernamallur Panchayat Union,
Thiruvanamalai District.

3.R.Sankaran

4.T.N.Shridharan

...Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to issue necessary direction to the 2nd respondent to reinstate petitioner in service as daily wages.

For Petitioner : Mr.B.Manoharan

For R1 : Mr.A.Rajaperumal
Additional Government Pleader

For R2 : Mr.V.Jaya Prakash Narayanan

For RR3 & 4 : No Appearance

ORDER

The relief sought for in this writ petition is for a direction to the 1st respondent to issue necessary direction to the 2nd respondent to reinstate the petitioner in service as a daily wage employee.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was initially engaged as a Computer Operator on daily wage basis in the office of 2nd respondent during the year 2003. The petitioner states that he was working sincerely and the respondents have ousted his services without any valid reasons.

3.The learned counsel for the writ petitioner states that the respondents have demanded bribe from the writ petitioner and the petitioner refused to pay the same. Therefore, the writ petitioner was not reinstated as daily wages employee. In this regard, the writ petitioner made a complaint and such a complaint has not been dealt with.

4.This Court is of the opinion that in respect of the complaint regarding the corruption is to be filed before the appropriate authorities and the petitioner is at liberty to do the same in respect of his grievances regarding the corrupt activities of the officials. However, this kind of allegations set out in the writ petition cannot form a ground to provide the relief of appointment to petitioner.

5.All appointments ought to be made in accordance with the recruitment rules in force. Equal opportunity in Public Employment is the constitutional mandate and mere continuance of service on temporary basis cannot be a ground to claim appointment either on temporary basis or permanent basis. The petitioner has to participate in the open competitive process for the purpose of securing public employment. Mere continuation as daily wage employee cannot be a ground for claiming permanent appointment or even temporary appointment.

6.Under these circumstances, this Court is of the opinion that the petitioner has not established any legal rights so as to consider his claim for appointment as daily wage employee. In the absence of any such right no writ can be entertained and accordingly, the writ petition stands dismissed. However, there is no order as to costs.

Sd/-

Deputy Registrar

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Sub Assistant Registrar

sjj/maya

To

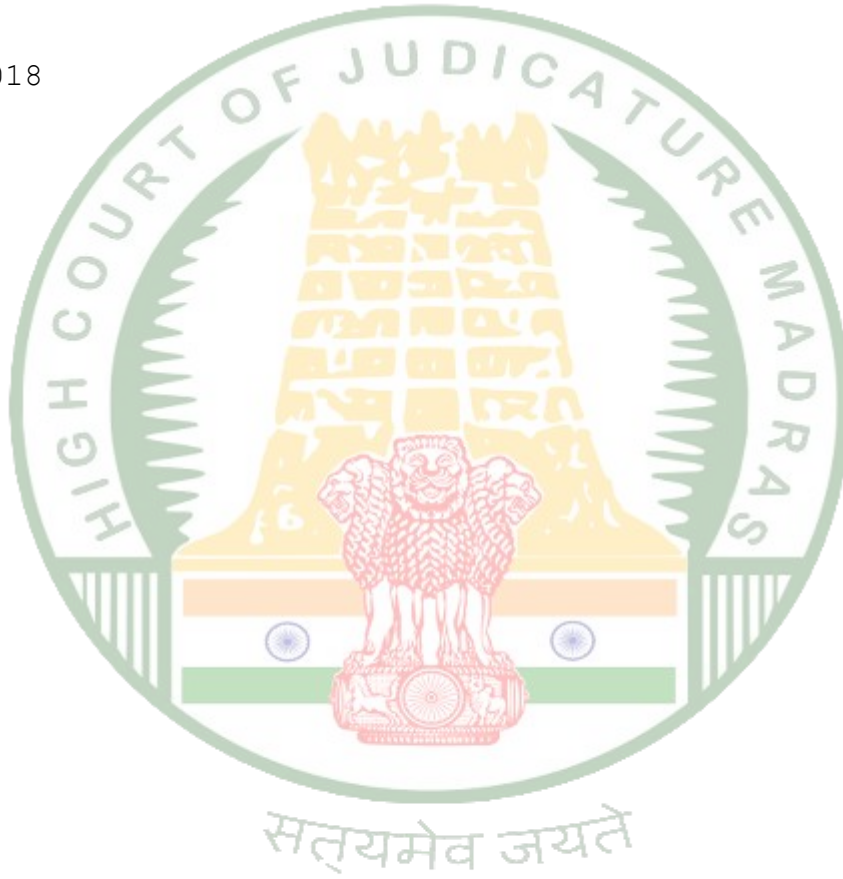
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Thiruvanamalai District,
Tiruvanamalai District-606 601.

2.The Block Development Officer,
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Thiruvanamalai District.

+1 cc to M/s.V.Jayaprakash Narayanan Advocate sr 87862
+1 cc to Govt Pleader sr 85112

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