

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.12.2017

CORAM

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

W.P.No.21282 of 2011

R.Selvi

..Petitioner

vs

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Block Development Officer(BDO)
Wallajabad Panchayat Union
Wallajabad, Kancheepuram District.

3.The President,
Thimmayanpettai Panchayat,
Thimmayanpettai,
Kancheepuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the Appeals dated 16.06.2010, 24.01.2011 and 21.02.2011 along with the representation made on 01.08.2011 and to pass necessary orders for reinstatement of the Petitioner within a time limit.

For Petitioner : Mr.N.Sundaramurthy

For Respondents: Mr.K.Thangapandi

Government Advocate for R1 & R2

No appearance for R3

O R D E R

The relief sought for in this writ petition is for a direction to the 1st respondent to consider the Appeals dated 16.06.2010, 24.01.2011 and 21.02.2011 along with the representation and pass orders in respect of the claim of the writ petitioner for reinstatement into service.

2.The writ petitioner was appointed as Village Panchayat Assistant by the order of the 3rd respondent in proceedings dated 29.04.2000 on a consolidated pay. She has joined duty on 01.05.2000. The learned counsel for the petitioner states that

the petitioner continued as consolidated pay employee. However, her services are not confirmed in the permanent post in the time scale of pay. Thus, this Court is not inclined to consider the claim of the petitioner for reinstatement. The learned Government Advocate appearing on behalf of the respondents states that the writ petitioner was not appointed on permanent basis and he was appointed only on a consolidated pay for a specific period. This being the fact, the writ petitioner is not entitled for permanent appointment as such sought for in this writ petition.

3.This Court is of the opinion that even for issuing a direction to consider the representation, the writ petitioner has to establish a legal right and in the absence of any such legal right, this Court cannot direct the respondents to pass orders on the representation. It is, as if, not a routine affair that a person, who seeks a direction for disposing of the appeal, to be granted in this writ petition. It is a pre condition that a right to be established for entertaining a writ petition under Article 226 of the Constitution of India. In the case on hand, the writ petitioner seeks reinstatement and the relief sought for is to consider the appeal filed by the writ petitioner to the respondents. In the absence of establishing any legal right, this Court is not inclined to grant the relief as such sought for in this writ petition.

4.This Court is also 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.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

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To

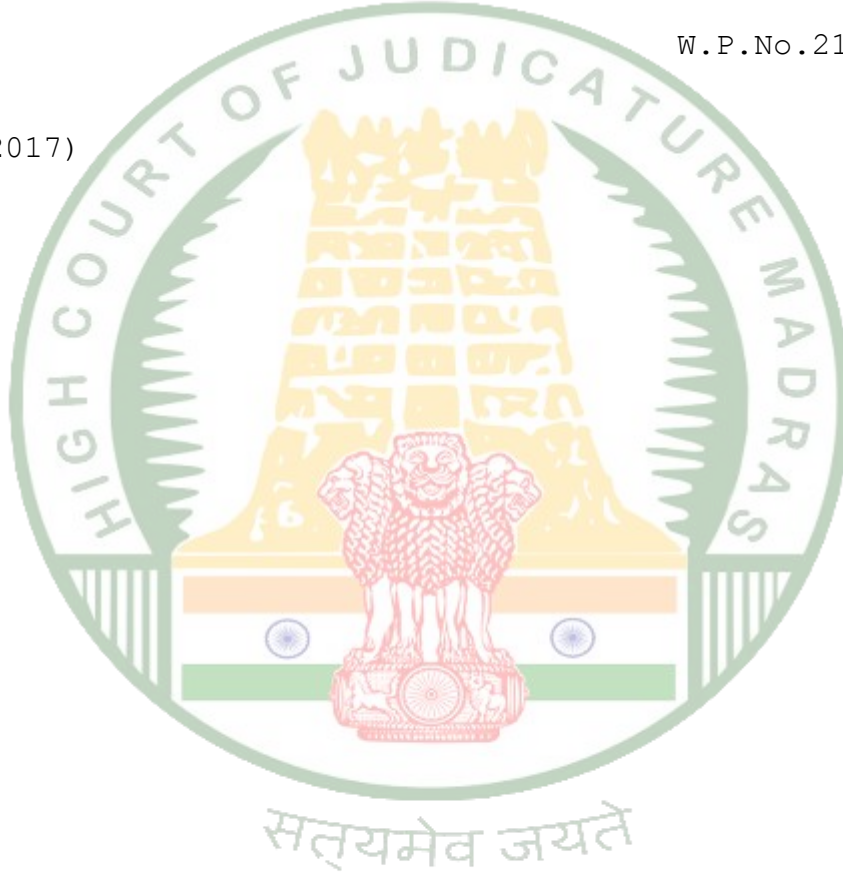
1.The District Collector,
Kancheepuram District,
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2.The Block Development Officer(BDO)
Wallajabad Panchayat Union
Wallajabad, Kancheepuram District.

+lcc to Mr.N.Sundramurthy, Advocate SR.No.87585

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GN(29/12/2017)



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