

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.12.2017

CORAM

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

W.P.No.21920 of 2011

and

M.P.No.1 of 2012

1.M.Padmini
2.K.Lakshmi
3.B.Murugan
4.R.Mari
5.R.Lakshmi
6.N.Shankar
7.D.Chitra

...Petitioners

Vs

1.The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.

2.The Commissioner,
Mettupalayam Municipality,
Mettupalayam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to appoint the petitioners for the post of sweeper.

For Petitioners :Mr.S.Ilamvaludhi

For Respondents :Mr.A.Rajaperumal

Additional Government Pleader
for R1

No Appearance for R2

O R D E R

The relief sought for in this writ petition is for a direction to the 2nd respondent to appoint the petitioners for the post of Sweeper.

2.The learned counsel for the writ petitioners made a submission that the writ petitioners are fully qualified for

appointment to the post of Sweeper and they have registered their names in the Employment Exchange. In view of such registration, the writ petitioners claim that their cases are to be considered for appointment to the post of sanitary workers since only about 56 posts were lying vacant during the relevant point of time.

3.This Court is of the opinion that some availability of vacancy or eligibility will not constitute a ground for seeking a direction to secure appointment in a public service. Even, the registration of the names in the District Employment Exchange will not be a ground for issuing a direction. Registration of the names in the Employment Exchange is a facility provided by the State to provide equal opportunity in public employment. Whenever such names were called by the employers and the names to be sponsored in accordance with the employment seniority. Such a facility provided by the State in order to maintain equal opportunity in public employment, cannot be construed as a legal right so as to issue a direction to the respondents to provide appointment to the writ petitioners.

4.Thus, this Court is of the opinion that the writ petitioners have not established even a semblance of legal right so as to consider the relief as such sought for in this writ petition. 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. Consequently, connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

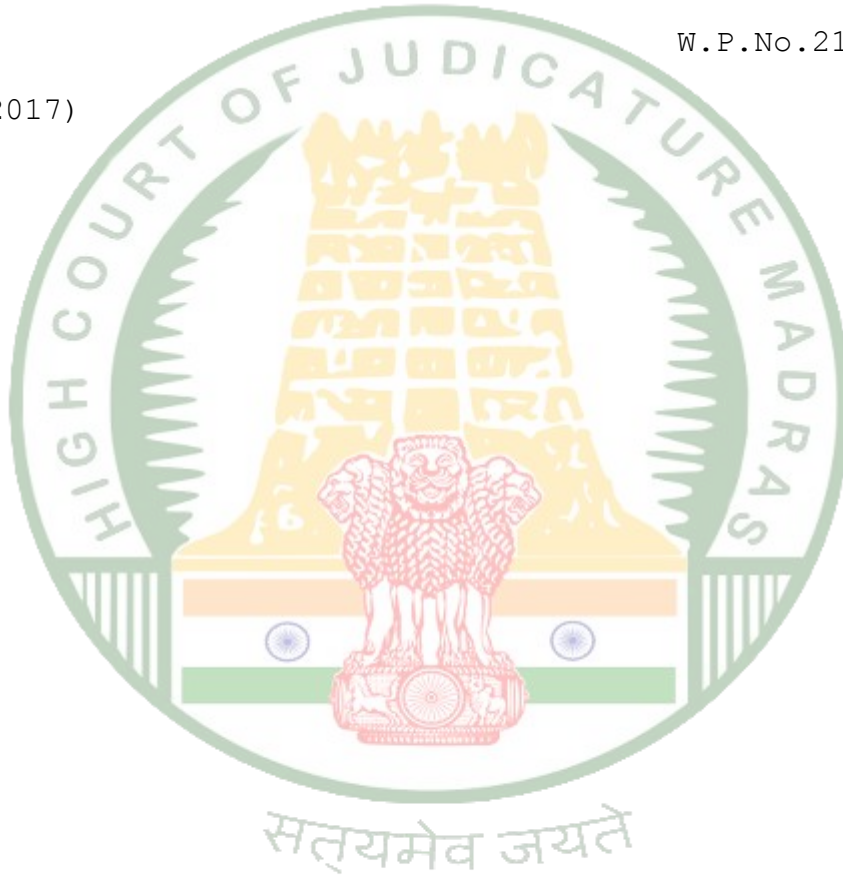
1.The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.

+1 CC to Mr.S. Ilamvaludhi, Advocate sr 87964.

+1 Cc to Govt. Pleader sr 88115.

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SP(28/12/2017)



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