

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.09.2017

CORAM

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

W.P.No.24365 of 2017

Mrs.M.Palaniammal

..Petitioner

Vs

1.The District Collector
Collectorate
Salem, Salem District.

2.The Secretary
The Social Welfare Department
St. George Fort., Chennai-9.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner for the post of Noon Meal Organizer or any other post on the ground that the petitioner is physically handicapped.

For Petitioner : Mr.L.P.Balajiram

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to consider the petitioner for appointment to the post of Noon Meal Organizer.

2. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner is a B.Com., graduate and differently abled person having disablement of 65% and further having two children aged about 7 years and 3 years respectively. The writ petitioner made an application on 04.08.2016 for appointment to the post of Noon Meal Organizer in Panchayat Union Elementary School, Kattampati, Mettur Taluk, Salem District, pursuant to the paper publication issued by the respondents. However, the writ petitioner attended the interview on 12.05.2017 in accord with the publication made in this

regard. But the respondents cancelled the recruitment process twice, by citing administrative reasons and therefore, the writ petitioner is constrained to move this writ petition for a direction.

3. Appointment can never be claimed as a matter of right. A mere participation in the selection process will not provide any legal right for the candidates to approach the Court under Article 226 of the Constitution of India, seeking for a direction to secure the appointment/cancellation of the selection process as it is the administrative prerogative of the State and such power cannot be questioned by the candidates, who had submitted their application. The process of selection can be challenged on the limited grounds of mal-practices, illegality or irregularity. In the absence of any such legal grounds, the process of selection cannot be questioned by the candidates who participated by submitting their applications and only participation in the selection process cannot be a ground to file this writ petition, with a prayer to seek appointment to the public post. In the absence of any semblance of legal right, no writ petition can be entertained.

4. Thus, the relief as such sought for cannot be granted to the petitioner, since he has just attended the interview and the process of selection itself was cancelled by the respondents. It is for the writ petitioner to participate in the next process of selection by putting his efforts for success. This Court also wishes him and the writ petitioner may put his efforts more vigorously and succeed in all his future attempts.

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector
Collectorate
Salem, Salem District.

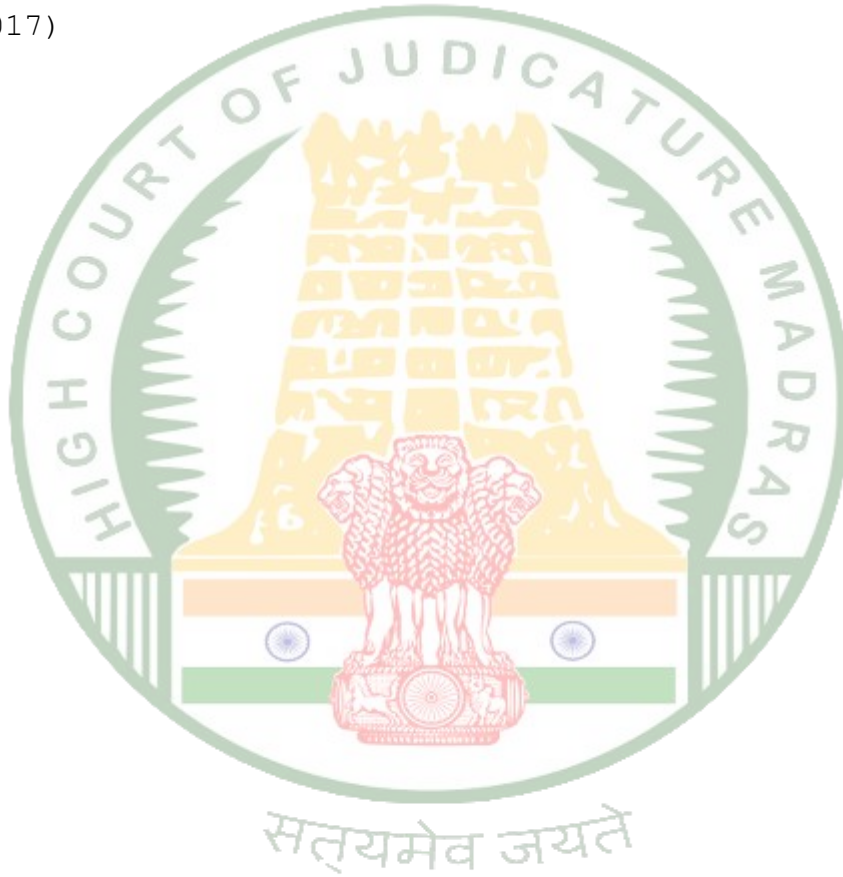
2.The Secretary
The Social Welfare Department
St. George Fort.,
Chennai-9.

+1cc to Mr.Balajiram, Advocate sr.65970

+1cc to Government Pleader sr.67032

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mg(co)
ss(6/10/2017)



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