

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25057 of 2017

and

WMP.Nos.26463 to 26465 of 2017

P.Kavitha

..Petitioner

-vs-

1.Government of Tamil Nadu
Rep.by its Secretary
Higher Education Department
Secretariat, Fort.St.George
Chennai - 600 009.

2.The Director
O/o. The Directorate of Collegiate Education
Department of Higher Education
Government of Tamilnadu
9th Floor, EVK Sampath Buildings
College Road, Chennai - 600 009.

3.The Principal
Aringnar Anna Government Arts College
Cheyyar - 604 407.

4.The Deputy Superintendent of Police
Vigilance and Anti Corruption Bureau
No.1164, Main Road
Thendral Nagar
Vengikkal, Thiruvannamalai.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned notice dated 07.08.2017 of the 3rd respondent quash the same and to consequently direct the 4th respondent to initiate necessary criminal action against the 3rd respondent and all other

connected officials of the 3rd respondent College for their official misconduct in undergoing the selection process of Guest Lecturers, without following due process of law.

For Petitioner :: Mr.R.Gopinath
for M/s.MC GAN LAW FIRM

For Respondents :: Mr.K.Dhananjayan
Special Government Pleader

ORDER

A notification issued by the third respondent in proceedings dated 07.08.2017 is under challenge in this writ petition and a further direction is also sought for to direct the fourth respondent to initiate necessary criminal action against the third respondent and all other connected officials of the third respondent's college for their official misconduct during the selection process of Guest Lecturers.

2. On a perusal of the impugned notification dated 7.8.2017, it is clear that the college has invited applications to fill up four posts of Guest Lecturers in the college. The learned counsel appearing for the writ petitioner made a submission that there were certain irregularities and illegalities in the process of selection and therefore, the writ petitioner was not selected and otherwise the writ petitioner is a meritorious candidate. The learned counsel further states that the writ petitioner had given a criminal complaint before the District Superintendent of Police, Vigilance and Anti Corruption Bureau, Thiruvannamalai, to initiate action against the corrupt activities of the officials.

3. The relief sought for in this writ petition is challenging the very notification and for a direction to initiate criminal action and the prayer itself is misconceived in respect of initiation of criminal action. No writ can be entertained under Article 226 of the Constitution of India and if a complaint before the police is not acted upon it is left open to the writ petitioner to initiate appropriate action under law.

4. In respect of the challenge to the notification, the same cannot be entertained in a routine manner. Notifications inviting applications for recruitment to the post of Guest Lecturers can be challenged only if the same was issued contrary to the Statutory Rules or in violation of any other guidelines issued in this regard by the department. In the

absence of establishing any semblance of right by the writ petitioner, the notification cannot be challenged. The main allegation in this writ petition is that there were certain irregularities in the process of selection by the authorities concerned and in this regard, the writ petitioner has submitted a complaint to the Vigilance and Anti Corruption Bureau. Thus, the question of quashing the notification will not arise at this stage, since, the writ petitioner has not established any rights in respect of her appointment to the post of Guest Lecturers. The post of Guest Lecturer itself is a temporary post and the learned Special Government Pleader has also informed this Court that the regular lecturers were already appointed in accordance with the recruitment rules.

5. Appointment can never be claimed as a matter of right. A mere participation in the interview will not confer any legal right to the writ petitioner to claim the appointment. The process of selection, if conducted in violation of rules, then the appointment of other persons can be challenged. Contrarily, the writ petitioner has chosen to challenge the very notification itself on the ground that the officials have committed certain irregularities and in this regard, the writ petitioner has given a complaint to Vigilance and Anti Corruption Bureau.

6. Thus, this Court cannot issue any such direction as sought for in the writ petition and it is left open to the writ petitioner to pursue the criminal complaint filed before the Vigilance and Anti Corruption Bureau in a manner known to law.

7. With these observations, the writ petition stands dismissed. Consequently connected miscellaneous petitions are also dismissed. However, there shall be no order as to costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Secretary

Government of Tamil Nadu
Higher Education Department
Secretariat, Fort. St. George
Chennai - 600 009.

2.The Director

O/o. The Directorate of Collegiate Education
Department of Higher Education
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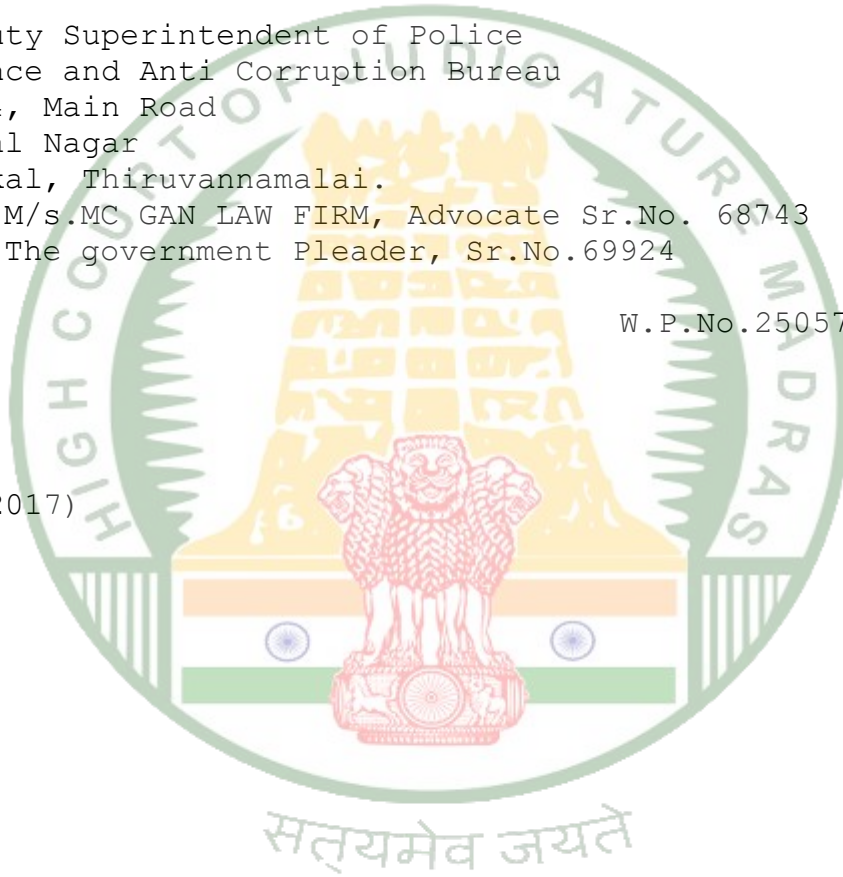
4.The Deputy Superintendent of Police
Vigilance and Anti Corruption Bureau
No.1164, Main Road
Thendral Nagar
Vengikkal, Thiruvannamalai.

- 1 cc to M/s.MC GAN LAW FIRM, Advocate Sr.No. 68743
- - cc to The government Pleader, Sr.No.69924

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CO(CS)

KP(10/10/2017)



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