

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15913 of 2017 &
W.M.P.No.17219 of 2017

- 1.B.Deepan Kumar
- 2.S.Karthik
- 3.E.Palani
- 4.K.Prabu
- 5.J.Mani
- 6.P.Ramesh
- 7.N.Silambarasan
- 8.C.Parthipan
- 9.N.K.Vivekanandhan
- 10.S.Elumalai
- 11.A.Ravichandran

...Petitioners

vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 600 006.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to rationalise the method of selection to the post of Assistant Professor in Collegiate Education by conducting selection through written competitive examination in consonance to Article 14 and 16 of Constitution of India with fair and transparent selection procedure by considering the

representation submitted by the petitioners dated 29.05.2017, within a time frame to be fixed by this Court.

For Petitioner	... Mr.G.Sankaran
For R1 and R2	... Mr.P.Sanjay Gandhi, Addl. G.P.
For R3	... Mr.K.Dhananjayan Spl.G.P.

O R D E R

The relief sought for in this writ petition is for a direction to direct the first respondent to rationalise the method of selection to the post of Assistant Professor in Collegiate Education by conducting selection through written competitive examination in consonance to Article 14 and 16 of Constitution of India with fair and transparent selection procedure.

2. The prayer as such sought for in this writ petition is regarding the creation of procedure to be done by the Government. Such a prayer in general sought for in this writ petition cannot be considered by this Court, unless the writ petitioner is able to prove that he has got a legal right and such a legal right is infringed on account of an act committed by the Government Machinery.

3. It is needless to state that every Government has to adhere the principles and the enunciated in the Constitution. Further it is needless to state that the rules and regulations framed in this regard it to be followed scrupulously by the authorities concerned while undertaking the process of selection. All these things can be adjudicated only in the event of committing a violation and the writ petition filed with certain apprehensions in the mind of the writ petitioner cannot provide a cause to approach this Court under Article 226 of Constitution of India. सत्यमेव जयते

4. Rather the writ petition on hand is to be considered as premature, since the prayer sought for is also in general nature and such a prayer cannot be considered as fit for further adjudication.

5. Learned counsel for the writ petitioner contended that the apprehension was very well set out in his representation submitted to the authorities on 29.05.2017. This Court is able to see that the writ petitioner has submitted a representation on 29.05.2017 and filed this writ petition on 22 June 2017 and it is not known how that was possible, that in between, the Government has taken a policy decision or the right of the writ

petitioner is violated. Thus, this Court is of the opinion that the writ petitioner has not established even a semblance of right at this point of time to maintain the writ petition and consequently, the grounds raised in the writ petition deserves no further consideration.

6. Accordingly, the Writ Petition stands dismissed. However no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

dm/rpa

To

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 600 006.

+1cc to M/S.G. Sankaran, Advocate Sr. 48293

+1cc to the Government Pleader Sr 49383

W.P.No.15913 of 2017 &

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AR(IV)

VR(25/07/2017)