

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM

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

W.P.No.18159 of 2014

S.Mary Prema

..Petitioner

Vs

1. The Secretary,
School Education Department,
Government of Tamil Nadu,
Fort St.George,
Secretariat, Chennai - 9.

2. The Chairman,
Teachers Recruitment Board,
EVK Sampath Maligai,
College Road, Chennai - 6.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to take action on petitioner representation dated 15.6.2014 within a stipulated time.

For Petitioner : Mr.J.Bharathi Raja

For Respondents : Mr.A.Rajaperumal
Additional Government Pleader

O R D E R

Appointment can never be claimed as a matter of right, even a selection cannot be a right. A mere participation in the selection process will not confer any legal right to the candidates to claim the appointment. The writ petitioner has filed this writ petition for a direction to the respondents to initiate action on the representation submitted by the writ petitioner on 15.06.2014.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner has participated in the process of selection and therefore, he must be considered for appointment. Such a contention deserves no merit consideration.

3. In view of the fact that the writ petitioner has not established any legal right so as to consider his representation. A writ petition is filed even for seeking a direction to consider the representation cannot be issued in the absence of establishing any legal right. Establishing a right is a pre-condition to entertain the writ petition. The petitioner should establish a legal right and in the absence of any such right, no writ can be entertained by the High Court, under Article 226 of the Constitution of India.

4. This being the legal principle to be followed by the constitutional Courts, in the case on hand, the petitioner has not got a right to be considered for appointment to the public post. The process of selection is not challenged in this writ petition. However, this Court is of the view that the writ can be filed challenging the process of selection on the ground that if there is any irregularity, illegality, malpractices or corrupt activities in the process of selection. Even, a writ can be entertained, challenging the process of selection only on limited grounds. In the absence of any such legal grounds, the process of selection cannot be questioned nor the writ petitioner can submit a representation and seek for a direction to consider the same for the purpose of securing the public employment.

5. Thus, the writ petition is dismissed as being devoid of merits. However, there shall be no order as to costs.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,
School Education Department,
Government of Tamil Nadu,
Fort St. George,
Secretariat, Chennai - 9.

WEB COPY

2. The Chairman,
Teachers Recruitment Board,
EVK Sampath Maligai,
College Road, Chennai - 6.

+1 CC to Mr.J. Bharathiraja, Advocate sr 90268.
+1 CC to Govt. Pleader sr 90599.

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TM(CO)
SP(09/01/2018)



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