

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19881 of 2016

V.V.Satyanarayana

... Petitioner

Vs.

1. The Chief Secretary to the Government,
Government of Puducherry,
Chief Secretariat,
Gubert Avenue, Beach Road,
Puducherry - 605 001.

2. The Superintendent of Police,
No.2, Dumas Street,
Police Head Quarters,
Puducherry.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned Memorandum No.2853/A1/Estt.I(B)/POL/2014, dated 16.03.2016 issued by the second respondent cancelling the provisional appointment of the petitioner herein on the ground of non-submission/non-production of the residence/nativity certificate and quash the same and consequently direct the second Respondent herein to admit the petitioner to the post of the Honorary Home Guard as called for vide notification dated 17.10.2014.

For Petitioner : Mr.R.Udhaya Kumar

For RR 1 & 2 : Mr.R.Syed Mustafa

Additional Government Pleader(Puducherry)

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O R D E R

The relief sought for in this writ petition is to quash the order of rejection passed by the second respondent in proceedings dated 16.03.2016 and for a direction to engage the writ petitioner to the post of Honorary Home Guard.

2. The learned counsel, appearing for the writ petitioner, made a submission that the writ petitioner submitted an application for selection to the post of Honorary Home Guard

and he was not provided with a chance to serve as Honorary Home Guard, since he has not produced the required certificates to the respondents.

3. On perusal of the order impugned dated 16.03.2016, it is clear that the writ petitioner was provisionally selected in the written test for the Honorary post of Home Guards against the vacancy of Puducherry Region.

4. However, the writ petitioner has not produced the residence/nativity certificate for Puducherry Region, which is mandatory. However, the learned counsel appearing for the writ petitioner submits that it was subsequently produced with the respondents and the respondents had not considered the same.

5. The notification itself categorically states that it is a Honorary post and the honorarium of Rs.350/- per day is fixed. The writ petitioner, being a candidate participated in the process of selection, ought to have submitted the required certificates soon after demanded by the Selecting Authorities. However, the Superintendent of Police, Puducherry has passed an order stating that the residence/nativity certificate for Puducherry Region had not submitted in time by the writ petitioner.

6. Thus, this Court is of the opinion that there is no irregularity in the order impugned in this writ petition and this apart, the post is Honorary post and an honorarium is fixed and the writ petitioner has no right to claim the appointment as a matter of right.

7. A mere selection will not confer any right on the writ petitioner to claim for an order of appointment. This apart, the writ petitioner, though succeeded in the written examination, has not produced the required certificates as sought for by the competent authorities. Thus, the writ petitioner has not established any legality, so as to issue a direction for appointment to the post of Honorary Home Guards. Thus, the grounds raised in this writ petition deserves no further consideration and accordingly the Writ Petition stands dismissed of. However, there shall be no order as to costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

msm

To

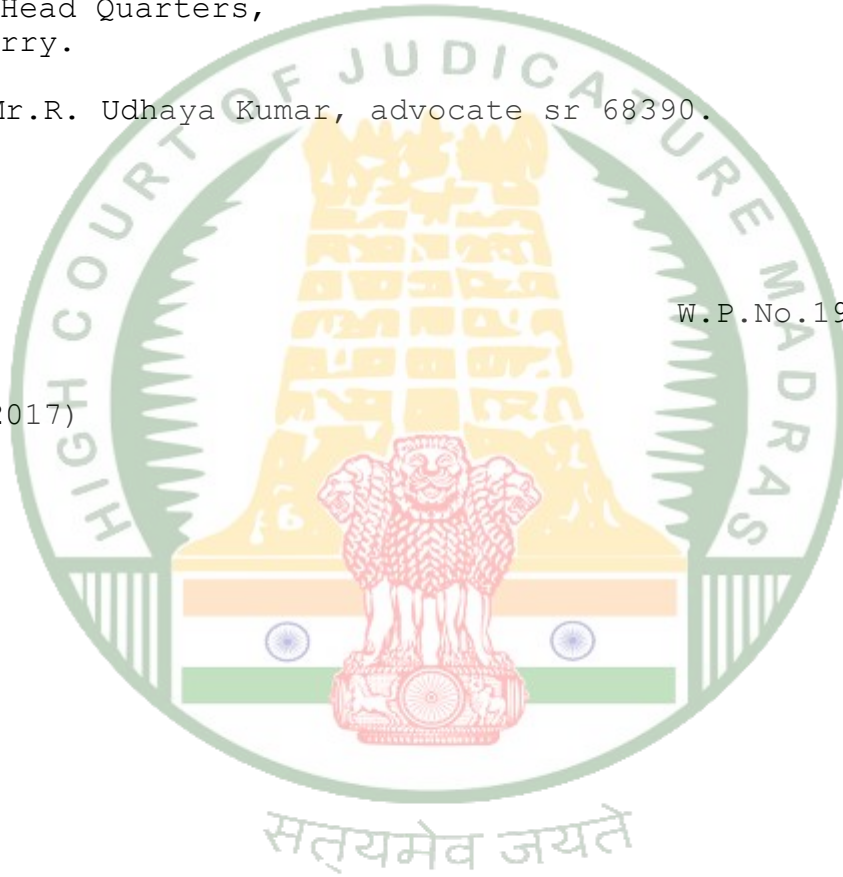
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+1 Cc to Mr.R. Udhaya Kumar, advocate sr 68390.

W.P.No.19881 of 2016

RJ (CO)
SP (07/11/2017)



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