

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2017

CORAM

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

W.P.No.5171 of 2011

and

W.M.P.No.2 of 2011

R. Ramanan

... Petitioner

Vs.

The Director of Public Health and
Preventive Medicine,
Chennai - 600 006.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent to consider the petitioner's Diploma in Radiographer for appointment in the post of Radiographer in the Department of Director of Public Health and Preventive Medicine.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.K.THangapandi,
Government Advocate

O R D E R

The relief sought for in this writ petition is to direct the respondent to consider the petitioner's Diploma in Radiographer for appointment in the post of Radiographer in the Department of Director of Public Health and Preventive Medicine.

2. The writ petitioner in the affidavit filed along with the writ petition, states that he has obtained Diploma Certificate in Radiographer from Pondicherry University Community College and registered his name in the Employment Exchange on 07.06.1999 at District Employment Office, Tiruvannamalai. The petitioner claims that he is periodically renewing the employment registration and his name has been sponsored by the District Employment Exchange for appointment to the post of Radiographer in the Department of Public Health and Preventive Medicine and the petitioner received an intimation letter in proceedings R.No.26597/PHC7/A4/2009 dated 21.01.2011 and interview was also

held on 09.02.2011. The petitioner attended the interview and produced all the original certificates for verification. However, the officials of the respondent Department have informed the writ petitioner that he cannot be appointed in the post of Radiographer. The petitioner claims that a similarly placed person holding the certificate of Diploma in Radiography was appointed in the Department of Public Health and Preventive Medicine and his case was not considered. However, the petitioner came out with this writ petition with the above prayer.

3. This Court is of the firm opinion that appointment can never be claimed as a matter of right. Mere educational qualification will not confer any right on the candidate to seek appointment. All the appointments to the public post are to be made only by following Recruitment Rules in force. Equal opportunity in public employment is a Constitutional mandate. The competent authority is bound to follow the Rules in force and in accordance with the Constitutional schemes. Equality clause is envisaged in the Constitution of India in respect of providing equal opportunity to the citizens. This Court is of the opinion that it can never be violated by any authority of the State/Union. Thus, the constitutional perspective in this regard should be followed scrupulously in all appointment, while undertaking the process of appointment to fill up the public post.

4. The writ petition on hand is filed on the ground that the petitioner is fully qualified for appointment to the post of Radiographer in the Department of Public Health and Preventive Medicine. Rules are in force in respect of the recruitments of the posts in the department. Thus, the petitioner merely filed this writ petition.

5. This Court cannot entertain the claim of the writ petitioner and it is for the writ petitioner to participate in the open competition process and get appointment in accordance with the Recruitments Rules in force. Under these circumstances, the relief as such sought for in this writ petition deserves no further adjudication on merits in this writ petition.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1.The Director of Public Health and
Preventive Medicine,
Chennai - 600 006.

+ 1 cc to M/s.C.Prakasam, Advocate, SR.80586
+ 1 cc to The Govt.Pleader, SR.80099

W.P.No.5171 of 2011
and
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NR 06/12/2017



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