

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30703 of 2015

and

W.M.P.No.1 of 2015

R.Jeeva

... Petitioner

Vs.

The Block Development Officer,
(Village Panchayat),
Olakkur Panchayat Union, Olakkur,
Tindivanam Taluk,
Villupuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to appoint the petitioner for the post of Assistant Cook in Ammanampakkam Noon Meal Center, since being the petitioner is alone eligible candidate for that post.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.K.Dhananjayan

Special Government Pleader

O R D E R

Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader for the respondent.

2.The relief sought for in this writ petition is for a direction to the respondent to appoint the petitioner as Assistant Cook in Ammanampakkam Noon Meal Center, Villupuram District.

3.The learned counsel appearing for the writ petitioner made a submission that the writ petitioner is a widow and the post of Assistant Cook in Ammanampakkam Noon Meal Center, Villupuram District is reserved for widow and therefore, the writ petitioner being the only widow available in the village, she must be appointed in the said post. In this regard, the

petitioner has received a call letter for interview in proceedings dated 10.08.2015. Thus, the writ petitioner has to be appointed in the said post of Assistant Cook.

4.This Court is of the firm view that appointment can never be claimed as a matter of right by the candidates. A mere receipt of call letter for appearing in the interview will not confer a right to the candidate to claim an order of appointment. In other words, a mere participation in the interview will not confer a right to the candidate to seek an order of appointment. In the case on hand, admittedly, no candidate was appointed in the post of Assistant Cook in the above mentioned place. Contrarily, based on the interview call letter, the writ petitioner has filed this writ petition with a prayer seeking an order of appointment.

5.In the absence of any legal right established in the writ petition a direction sought for in this writ petition cannot be granted. The learned counsel appearing for the writ petitioner further states that the post has not been filled up so far and no other person has been appointed, a mere vacancy also will not confer the right of the candidate to seek an appointment. Only in the event of issuance of an order of appointment, a right will arise and therefore, the writ petition is misconceived at this stage and the writ petitioner cannot have any right to seek a direction from this Court for appointment. In this view of the matter, no further adjudication is required on the grounds raised in this writ petition.

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

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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ah/dna

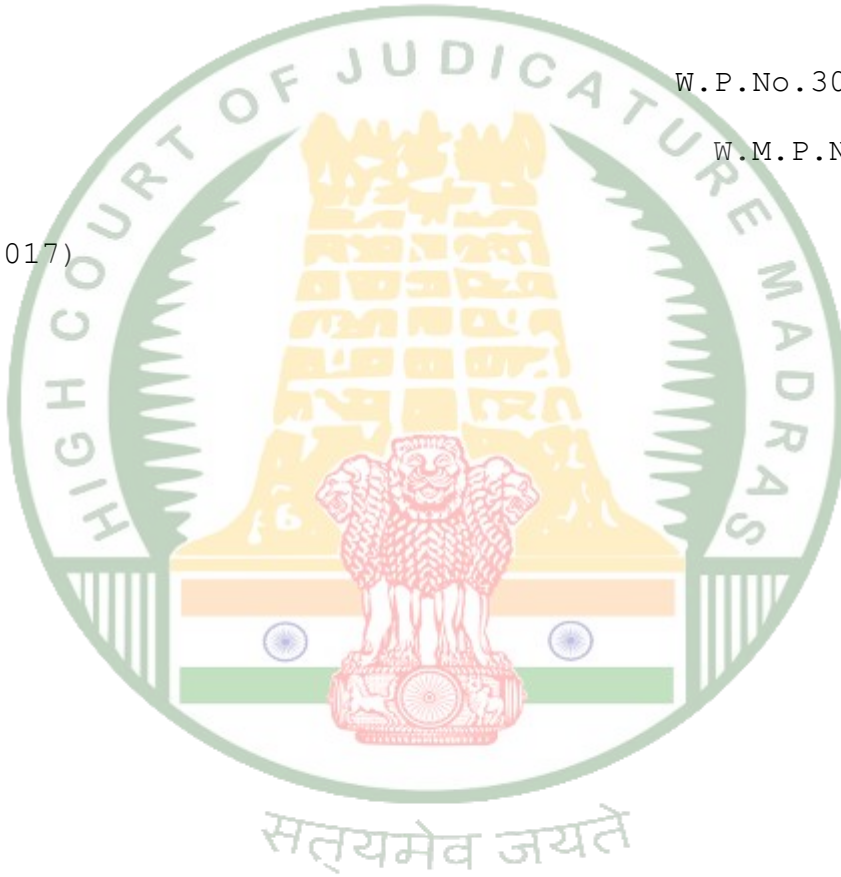
To

The Block Development Officer,
(Village Panchayat),
Olakkur Panchayat Union, Olakkur,
Tindivanam Taluk,
Villupuram District.

+lcc to Mr.C.Prakasam, Advocate Sr. 66088

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and
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AR (IV)
VR (13/10/2017)



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