

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31091 of 2015
and
W.M.P.Nos.1 & 2 of 2015

J.Madhes

... Petitioner

Vs.

1.The Director Rural Development
and Panchayat Raj,
Chennai - 600 015.

2.The District Collector,
(Panchayat Development Wing),
Krishnagiri.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 24.08.2015 regarding Selection and appointment as Road Inspector, Grade-II, within a fixed time limit as deem fit by this Court.

For Petitioner : Ms.N.Revathi
for Mr.Ravi

For Respondents: Mr.R.S.Selvam
Government Advocate

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O R D E R

Heard Ms.N.Revathi, learned counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate for the respondents.

2.The relief sought for in this writ petition is for a direction to direct the respondent to consider the representation submitted by the writ petitioner on 24.08.2015 with regard to the selection and appointment to the post of Road Inspector Grade-II.

3.The learned counsel appearing for the writ petitioner

submits that the writ petitioner is also a candidate in the process of selection for the recruitment to the post of Road Inspector Grade-II. In this regard the writ petitioner received a call letter for interview from the District Collector, Dharmapuri in proceedings dated 24.08.2013. However, the learned counsel states that the persons who are less qualified than the writ petitioner were appointed. This apart the interview committee has not allotted proper marks to the candidates. Therefore, he has given a representation to the respondents and the same is to be considered.

4.Appointment can never be claimed as a matter of right. A mere participation in the selection process cannot be a ground to seek an order of appointment. In the absence of substantiating any malpractice, irregularities or corrupt activities in the process of selection, the writ petitioner cannot have any right to seek any direction for appointment. A mere selection will not confer any right on the candidate to seek an order of appointment. In the absence of any such grave irregularities or violation of statutory rules in the process of selection, the candidates cannot have any right to seek a mere direction to consider the representation or to issue an order of appointment. The representation submitted by the writ petitioner is relating to the issuance of the order of appointment and this Court cannot issue any such recommendation by way of an order in this writ petition under Article 226 of the Constitution of India.

5.This being the view of this Court in the absence of establishing any Semblance of Right, the writ petitioner is not entitled for any such relief as such sought for. Establishment of right is pre condition for entertaining the writ petition under Article 226 of the Constitution of India. Thus the prayer as such sought for cannot be granted and it is for the writ petitioner to participate in the process of selection and only in the event of succeeding in the process he may be considered for an order of appointment and not otherwise. Such being the factum of the case, no further consideration is required in this writ petition.

6.Accordingly, the writ petition stands dismissed. However, there is no order as to costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ah/dna

To

1.The Director Rural Development and
Panchayat Raj
Chennai.600 015.

2.The District Collector
(Panchayat Development Wing)
Krishngiri.

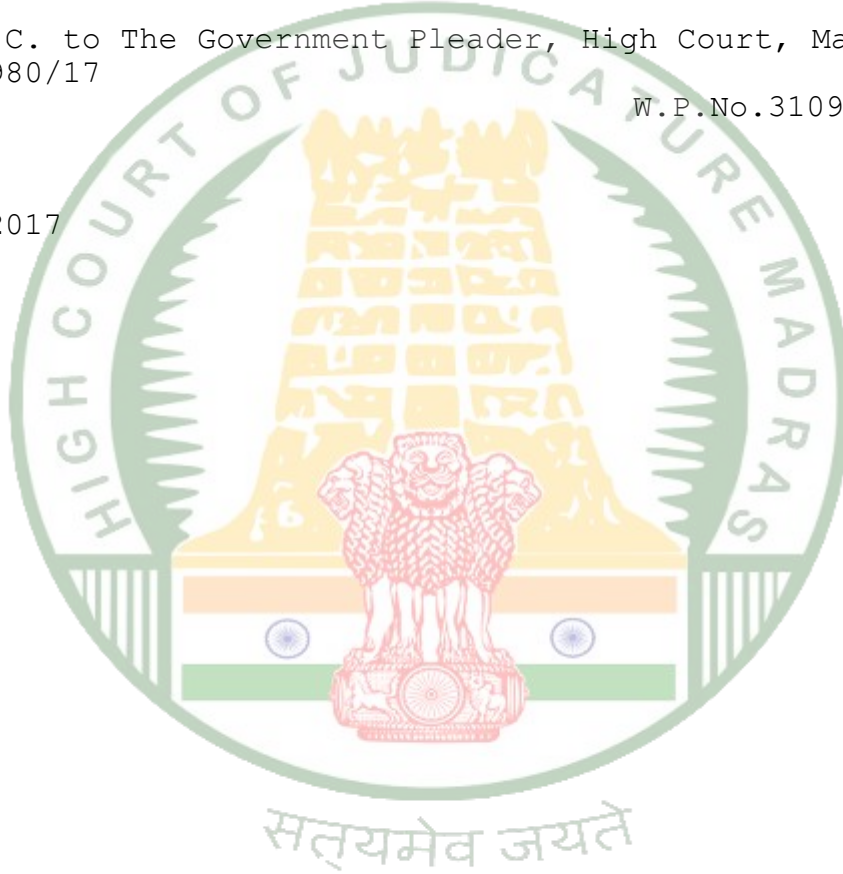
+1 C.C. to M/S.M.Ravi Advocate SR.NO.66214/17

+1 C.C. to The Government Pleader, High Court, Madras
SR.NO. 65980/17

W.P.No.31091 of 2015

SS (CO)

VS 12.10.2017



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