

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.07.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.18706 of 2017 and W.M.P.No.20251/2017

Mrs.M.Saritha

....

Petitioner

Versus

1.The District Collector
District Collectorate Personal Assistant
Nutritious Meals Division
Villupuram District,
Villupuram.

2. The Commissioner
Mugaiyur Panchayat Union,
Manam Poondi,
Villupuram District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to appoint the petitioner for the post of Nutritious Meals Organizer in the Panchayat Union Primary School at Nathan Kaduvetti or any other school in the Mugaiyur Panchayat Union School Villupuram District.

For Petitioner : Mr.D.Govinda Reddy

For Respondents : Mr.GunaSekaran, Addl Government Pleader
for R1

Mr.Saraswathi, Government Advocate for R2

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O R D E R

The relief sought for in this writ petition is for a direction to appoint the petitioner to the post of Nutritious Meals Organizer in the Panchayat Union Primary School at Nathan Kaduvetti or any other school in the Mugaiyur Panchayat Union School, Villupuram District. The relief sought for is absolutely misconceived on the ground that the petitioner claims for appointment as a matter of right. Appointment can never be a

matter of right as per the legal principles enumerated by the Honble Supreme Court of India as well our High Court.

2. The appointment can be claimed as a right only in the event of violation of any Statutory or Recruitment rules in this regard. Only if the right is violated, the writ petition filed by the writ petitioner shall be admitted. A mere direction seeking appointment, not supported by any rules or otherwise, cannot be considered by this Court.

3. The Learned counsel appearing for the writ petitioner would contend that the post in the Primary School at Mugaiyur Panchayat Union School is lying vacant and nobody has been appointed and the writ petitioner is a qualified person for appointment to the said post. Since, the writ petitioner is qualified to hold the post, the respondents ought to have appointed the writ petitioner in the said post. Such an argument cannot be accepted in view of the fact that mere eligibility will not confer any right of appointment.

4. No doubt, the writ petitioner may be eligible for a particular post, which is vacant in a particular school but, it does not provide him a legal right to seek appointment. Thus, the reason stated by the writ petitioner for seeking appointment is neither candid nor convincing. Accordingly, this Court is not inclined to entertain this writ petition as it is not only premature but, a writ petitioner cannot be construed to be an aggrieved person in the eye of law.

5. Accordingly, the writ petition stands dismissed. Consequently connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector
District Collectorate Personal Assistant
Nutritious Meals Division
Villupuram District,
Villupuram.

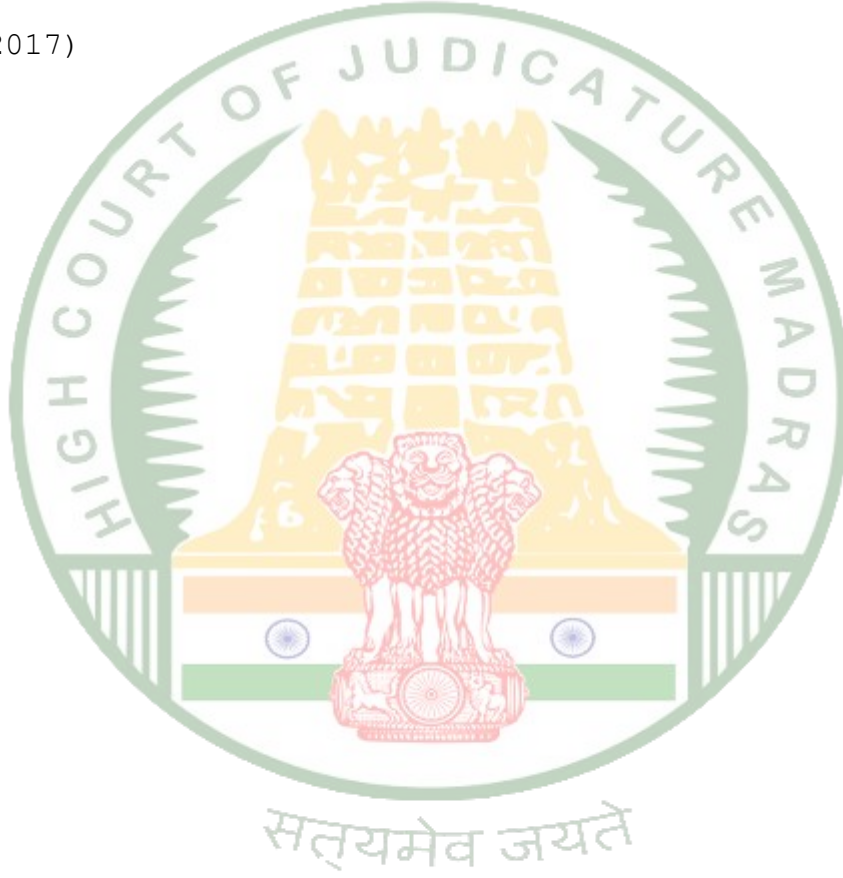
2. The Commissioner
Mugaiyur Panchayat Union,
Manam Poondi,
Villupuram District.

+1cc to Mr.D.Govinda Reddy, Advocate, S.R.No.52385

+1cc to the Government Pleader, S.R.No.52516

WP.No.18706 of 2017

SR(CO)
GN(21/08/2017)



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