

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2017

CORAM

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

W.P.No.22178 of 2010

G.Muthusamy

...Petitioner

Vs.

1.The Secretary to Government
Home Department
Fort St. George
Secretariat, Chennai - 9.

2.The Chairman
Tamil Nadu Uniformed Service
Recruitment Board
Anna Salai, Chennai - 600 002.

3.The Director General of Police
Radhakrishnan Salai
Mylapore, Chennai - 600 004.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent herein to add three marks to the petitioner's over all total in the process of recruitment of Sub-Inspector of Police-2006 and direct the respondents to select and appoint the petitioner as Sub-Inspector of Police within the recruitment under MBC open men category and to fix and appropriate place of seniority in the Taluk Police Selection by granting all consequential service and monetary benefits.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.K.Venkataramani
Addl. Advocate General - VII
Assisted by
Mr.R.Vijayakumar
Addl. Government Pleader

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O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent herein to add three marks to the petitioner's over all total in the process of recruitment of Sub-Inspector of Police-2006 and direct the respondents to select and appoint the petitioner as Sub-Inspector of Police within the recruitment under MBC open men category and to fix and appropriate place of seniority in the Taluk Police Selection by granting all consequential service and monetary benefits.

2.First of all, this Court is of the opinion that appointment can never be claimed as a matter of right. Even a selection will not confer any right on the candidates to seek an order of appointment. A writ against the process of selection may be entertained only, if any illegality, irregularity malpractices or corrupt activities are substantiated then the Court can interfere. A mere participation in the process of selection will not confer any right on the candidates to seek an order of appointment.

3.In the case on hand, the learned counsel appearing on behalf of the petitioner states that some of the questions and answers are vague and it was not properly evaluated. Thus, the writ petitioners are entitled for additional marks in this regard. In the event of providing additional marks, there is a probability of selection of the writ petitioner, on this ground the writ petition is filed.

4.However, this Court cannot issue any direction to an order of appointment. The writ petitioner has to succeed in the process of selection and then only, the order of appointment will follow.

5.In view of the fact that the reasons stated in the writ petition are not very clear. This Court is of the opinion that it is suffice, if a direction is issued to the respondents to consider the representation if any and pass orders so as to know the reasons for which the petitioner was not selected for recruitment to the post of Sub-Inspector.

6.The writ petitioner is at liberty to submit a representation to the second respondent/Board within a period of two (2) weeks from the date of receipt of a copy of this order. If any such representation is received the second respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of twelve (12) weeks thereafter.

7.With the above direction, the writ petition stands disposed of. However, there is no order as to costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

may

To

1.The Secretary to Government
Home Department
Fort St. George
Secretariat, Chennai - 9.

2.The Chairman
Tamil Nadu Uniformed Service
Recruitment Board 807, Seventh floor,
Anna Salai, Chennai - 600 002.

3.The Director General of Police
Radhakrishnan Salai
Mylapore, Chennai - 600 004.

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TR(13/12/2017)

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