

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2017

CORAM

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

W.P.No.23742 of 2009

K.Ramakrishnan

... Petitioner

Vs

- 1.The Secretary to Government of Tamil Nadu
Revenue Department,
Secretariat,
Chennai 600 009.
- 2.The Commissioner of Revenue Administration,
Chepauk,
Chennai 600 005.
- 3.The Tahsildar,
Vandavasi 604 408,
Thiruvannamalai District.
- 4.The Public Information Officer,
and Headquarters Deputy Tahsildar,
Vandavasi 604 408,
Thiruvannamalai District.
- 5.The District Collector,
Thiruvannamalai.
- 6.The District Employment Officer,
Office of the District Employment Office,
Thiruvannamalai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, directing the 3rd respondent to produce records and files relating to selection of 109 candidates held on 14.09.2007 and 19 candidates held on 22.06.2009 to ascertain and establish the interview and selection for the posts of Village Assistants were made in a fair and proper manner without any irregularities and further direction to the 3rd respondent to consider the case of

petitioner for appointment as Village Assistant in the existing or future vacancies in the 3rd respondent's Taluk.

For Petitioner : Mr.K.Selvaraj

For Respondents: Mr.A.Rajaperumal
Additional Government Pleader

O R D E R

The relief sought for in this Writ Petition is for a direction to direct the third respondent to produce records and files relating to selection of 109 candidates held on 14.09.2007 and 19 candidates held on 22.06.2009 to ascertain and establish the interview and selection for the posts of Village Assistants were made in a fair and proper manner and further direction to the 3rd respondent to consider the case of petitioner for appointment as Village Assistant in the existing or future vacancies in the 3rd respondent's Taluk.

2.This Court is of the clear opinion that the relief as such coined in this Writ Petition is certainly innocuous and no such relief can be granted. The writ petitioner has filed this Writ Petition with a prayer to direct the third respondent to prove that the selection was conducted in accordance with the rules. Such a prayer cannot be entertained since the writ petitioner has to prove his legal right at the time of filing of the Writ Petition. Only if a legal right is established, the Writ can be entertained. Contrarily, the writ petitioner cannot seek a direction to the respondent to prove the fairness of the selection conducted for the recruitment of the post of Village Assistants. The writ petitioner is a failed S.S.L.C candidate and he registered his name in the District Employment Office at Thiruvannamalai. The name of the writ petitioner was sponsored for the recruitment to the post of Village Assistants. Accordingly, the writ petitioner participated in the interview held on 14.09.2007. However, the writ petitioner was not selected. The non-selection motivated the writ petitioner to move this Writ Petition under Article 226 of the Constitution of India. The writ petitioner has not established any illegality or irregularity in the process of selection. Contrarily, he seeks a direction to the third respondent to produce the entire files relating to the selection. Such an exercise cannot be done by this Court in view of the fact that the writ petitioner has not established any legal right.

3.Relying on the counter, the learned Government Advocate states that in order to fill up the post of Village Assistants, a list of candidates were invited from the District

Employment and the Employment Exchange sponsored the candidates in accordance with the employment seniority. The writ petitioner attended the interview on 14.09.2007 and on 22.06.2009 before the Tahsildar, Vandavasi for selection to the post of Village Assistants at Vandavasi Taluk. The petitioner possessed all the educational and age qualification as required for the selection to the post of Village Assistants. In addition to the above qualifications, the Government has also prescribed in the Tamilnadu Village Assistants Special Rules that the person appointed to the post of Village Assistant shall belong to the village to which he is appointed or the adjoining village, if no suitable candidate is available from that village. The petitioner is a native of Peranamallur Village. No appointment was made to the Peranamallur Village as the post of Village Assistant was already filled up. The following villages are adjoining villages to Peranamallur Village, the native village of the petitioner:

- 1.Sandhirambady
- 2.Chozhavaram
- 3.Kattamangalam
- 4.Injemedu
- 5.Ariyapady
- 6.Septankulam
- 7.Nambedu
- 8.Alliyanthal

Thus, the writ petitioner was not selected. The learned Government Advocate states that no appointment was made to the Peranamallur Village. All the posts were already filled up. In respect of 8 adjoining villages to the native village of the petitioner, no appointment was made in 3 villages as there was no vacancy and in 4 villages, the persons from the same village have been selected and appointed. Thus, there was no irregularity in the process of selection and the persons were appointed in accordance with the provisions of the Tamilnadu Village Assistants Special Rules. The petitioner was not appointed and there was no irregularity in respect of the rejection of the candidature of the writ petitioner.

4.This Court is of the firm view that the appointment can never be claimed as a matter of right by the candidates. A mere participation in the interview will not confer any right on the candidate to seek an order of appointment. In view of the legal principles in the matter of appointment as stated above, no further adjudication on merits needs to be under taken.

5. Accordingly, this Writ Petition stands dismissed.
However, there is order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The Secretary,
Government of Tamil Nadu,
Revenue Department,
Secretariat,
Chennai 600 009.
2. The Commissioner,
Revenue Administration,
Chepauk,
Chennai 600 005.
3. The Tahsildar,
Vandavasi 604 408,
Thiruvannamalai District.
4. The Public Information Officer,
and Headquarters Deputy Tahsildar,
Vandavasi 604 408,
Thiruvannamalai District.
5. The District Collector,
Thiruvannamalai.
6. The District Employment Officer,
Office of the District Employment Office,
Thiruvannamalai.

+1 cc to Mr.K.Selvaraj Advocate sr 83747
+1 cc to Govt Pleader sr 83713

W.P.No.23742 of 2009

aa07/12/2017