

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-11-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33623 of 2013

And

M.P.No.1 of 2013

1.K.Iyappan

2.S.Rajalakshmi

Petitioners

-vs-

1.The Member Secretary,
Teacher's Recruitment Board,
EVK Sampath Maligai,
DPI Compound,
College Road,
Chennai-600 006.

2.Director of Employment,
Guindy,
Chennai-600 032.

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the petitioners for the post of direct recruitment of Assistant Professor in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges-2012 while verifying of the Certificate, which is to be held on 5.12.2013.

For Petitioners

- Mr.V.Subramanian for
Mr.S.Arivazhagan.

For Respondents

- Mr.K.Thangapandi,
Government Advocate.

ORDER

The relief sought for in this writ petition is for a direction to direct the first respondent to consider the writ petitioners for the post of direct recruitment as Assistant Professor in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges for the year 2012, as per the Certificate verification held on 5.12.2013.

2. The learned counsel appearing for the writ petitioners made a submission that the writ petitioners are fully qualified for selection to the post of Assistant Professor.

3. The respondents issued Notification No.04/2013 on 28.5.2013, for recruitment to the post of Assistant Professor in Tamil Nadu Collegiate Educational Service.

4. The writ petitioners submitted an application to participate in the process of selection and accordingly, they have received a call letter from the first respondent in letter dated 14.11.2012. Accordingly, the process of Certificate verification was completed. However, the writ petitioners were not selected and in this regard, the writ petitioners moved this writ petition, by stating that they are fully qualified and participated in the Certificate verification process and accordingly, an order of appointment to be issued to them.

5. Appointment can never be claimed as a matter of right. Even a selection, will not confer any right on the candidates. The process of selection can be settled by way of a writ petition only in the event of establishing that the Notification and the process of selection, was conducted in violation of the statutory rules or during the process of selection, if any malpractices or corrupt practices, were done by the Recruiting Officials.

6. In the absence of proving any one of these legal grounds, the writ petitioners, cannot seek appointment, merely on the ground that they had participated in the Certificate verification. A mere participation in the Certificate verification, cannot be a ground for the writ petitioners to seek appointment.

7. The writ petitioners have to be selected for the post of Assistant Professor in all respects and only after selecting and issuing the appointment orders, the writ petitioners will acquire the right of joining.

8. Thus, this Court is of the opinion that the writ petitioners have not established any legal right in this regard and the mere participation in the process of Certificate verification, cannot be a ground to issue any direction to issue appointment order.

9. This apart, the writ petitioners have not established any such malpractices or corrupt practices in the process of selection and therefore, the grounds raised by the writ petitioners, need no further adjudication. However, this Court wishes the writ petitioners a bright future for their securing

public employment in future and in this regard, the writ petitioners have to put more efforts to get success in their future attempts.

10. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Member Secretary,
Teacher's Recruitment Board,
EVK Sampath Maligai,
DPI Compound,
College Road,
Chennai-600 006.

2.The Director of Employment,
Guindy,
Chennai-600 032.

+1 cc to Mr.Arivalagan Advocate sr 78421

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