

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-11-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33994 of 2013

A.R.Nanjappan

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Petitioner

-vs-

1. The State of Tamil Nadu
Represented by its Secretary to Government,
School of Education Department,
Fort St. George,
Chennai-600 009.
2. The Director,
School Education,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai-600 006.
3. The Director,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai-600 006.
4. The District Employment Officer,
District Employment Office,
Nilgiris.

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent to appoint the petitioner as Graduate Assistant based on the Certificate verification held on 13.5.2010 at Bethlehem Girls Higher Secondary School, Udhagamandalam.

For Petitioner

- Mr.K.V.Sajeev Kumar for
M/s.Royan Law Associates.

For Respondents

- Mrs.K.Bhuvaneswari,
Government Advocate.

ORDER

The relief sought for in this writ petition is for a direction to direct the third respondent to appoint the petitioner as Graduate Assistant based on the Certificate verification held on 13.5.2010 at Bethlehem Girls Higher Secondary School, Udhagamandalam.

2. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner is a qualified candidate for appointment to the post of Graduate Assistant. Further, the writ petitioner has participated in the process of selection and the Certificate obtained by the writ petitioner, was also verified by the employer. Even after verification of the Certificate, no appointment order was issued.

3. 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.

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

5. The writ petitioner has to be selected for the post of Graduate Assistant in all respects and only after selecting and issuing the appointment order, the writ petitioner will acquire the right of joining.

6. Thus, this Court is of the opinion that the writ petitioner has 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.

7. This apart, the writ petitioner has not established any such malpractices or corrupt practices in the process of selection and therefore, the grounds raised by the writ petitioner, need no further adjudication. However, this Court wishes the writ petitioner a bright future for his securing public employment in future and in this regard, the writ

petitioner has to put more efforts to get success in all his attempts.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Svn Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu
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+1cc to M/s.Royan Law Associates, Advocate, S.R.No.78517

WP 33994 of 2013

NRI (CO)
CS/30/11/17