

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :17.11.2017

CORAM

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

W.P.No.16053 of 2010

R. Rajasekhar ... Petitioner

versus

1.The Chairman,
Puducherry Road Transport Corporation,
Puducherry.

2.The Managing Director,
Puducherry Road Transport Corporation,
Puducherry.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to engage the petitioner on voucher payment system whenever the respondents initiate action for recruitment of drivers on voucher payment system at Pondicherry Road Transport Corporation.

For Petitioner : Mr.S.Sivakumar
For Respondent 1 : Mr.T.P.Prabakaran
For Respondent 2 : Mr.A.R.Nixan

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to engage the petitioner on voucher payment system, whenever the respondents initiate action for recruitment of drivers on voucher payment system at Puducherry Road Transport Corporation.

2. The petitioner states that he had undergone the selection process for recruitment to the post of Driver on daily rated basis and he was declared successful and his name was included in the selection list of drivers. The selection list was published on 23.03.2010 in the Puducherry Road Transport Corporation notice board. However, the respondents have passed the resolution that the selection list of 138 drivers were cancelled. Thus, the petitioner is constrained to move this writ petition with a prayer to direct the respondents to engage the petitioner whenever the recruitment process is proceeded with.

3. The petitioner is of the opinion that he was already selected and the list of selection was cancelled. Therefore,

whenever a process of recruitment is undertaken he should be considered as selected and an order of appointment be issued.

4. The very concept mooted out by the writ petitioner is to be rejected. Appointment can never be claimed as matter of right. The mere selection will not confer any right on the petitioner. No doubt the petitioner had participated in the process of selection and his name was included in the selection list. However, the entire selection was cancelled by the appointing authorities and therefore, the writ petitioner cannot have any grievance on that. Conduct of the process of recruitment and appointment is the prerogative of the employers. The power of the employers to cancel the process of selection cannot be questioned by the candidates.

5. The process of selection can be questioned only if the same was done against the principles of natural justice or if there is any malpractice or corrupt activities, then a writ can be entertained for the purpose of setting aside the process of selection. A mere participation in the selection process or even the selection will not confer any right on the candidates. Such being the legal principles settled by the Constitutional Courts across the country, this Court is not inclined to consider the prayer as such sought for by the writ petitioner. However, it is left open to the writ petitioner to participate in the ensuing selection process if undertaken by the respondents and get himself selected. In these circumstances, this Court is of the opinion that no further adjudication deserves to be undertaken on the grounds raised in this writ petition.

6. Accordingly, the writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

rsi

To

1.The Chairman,
Puducherry Road Transport Corporation,
Puducherry.

2.The Managing Director,
Puducherry Road Transport Corporation,
Puducherry.

+1cc to Mr.T.P.Prabhakaran, Advocate SR.No.82196

+1cc to Mr.A.R.Nixon, Advocate Sr.No.82364

W.P.No.16053 of 2010

sm:6.12.2017

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