

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16662 of 2010

S.Muthukumaran

... Petitioner

Vs.

The Additional Commissioner (CPIO)
Office of the Commissioner of Central Excise,
No.6/7, A.T.D.Street, Race Course Road,
Coimbatore - 641 018. ... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to appoint the petitioner to the post of "Sepoy" (Group-D) in the office of the Commissioner of Central Excise, Coimbatore pursuant to the recruitment notice dated 08.02.2008.

For Petitioner : Ms.C.Uma
For Respondent : Mrs.Mallika Srinivasan

ORDER

The relief sought for in this writ petition is for a direction to the respondent to appoint the petitioner to the post of Sepoy in the office of the Commissioner of Central Excise, Coimbatore pursuant to the recruitment notice dated 08.02.2008.

2. The learned counsel appearing on behalf of the writ petitioner states that pursuant to the advertisement issued by the respondent on 08.02.2008, inviting applications from the eligible candidates for appointment to the post of Sepoy (General Central Service Group 'D'-Non-Gazetted, Non-Ministerial), the writ petitioner applied for the post and participated in the process of selection. The learned counsel for the petitioner states that though he attended the physical verification test and other tests conducted by the respondent, he was not selected. Therefore, the writ petitioner is constrained to move this writ petition, with a prayer to appoint him based on the Recruitment Notice dated on 08.02.2008.

3. Appointment can never be claimed as a matter of right. Mere participation in the selection process will not confer any right on the candidates to seek a direction to issue an Appointment Order. Mere participation in the test or examination will not provide a ground for filing a writ petition. Entertaining the writ petition in respect of the process of selection, it is to be established that a process of selection was not conducted in accordance with the Recruitment Rules in force or if there is any malpractice or corrupt practices. In the absence of any of these legal grounds, no writ can be issued against the process of selection. Even the selection will not provide a right for the candidate to seek an order of appointment. In the case on hand, no doubt the writ petitioner has participated in the process of selection, however, he was not selected. This apart in respect of the process of selection, the writ petitioner has not set out any allegations. Thus, no further consideration needs to be undertaken on the grounds raised in this writ petition.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To
The Additional Commissioner (CPIO)
Office of the Commissioner of Central Excise,
No.6/7, A.T.D.Street, Race Course Road,
Coimbatore - 641 018.

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RR(CO)
sm:15.12.2017

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