

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26437 of 2013

and

M.P.No.1 of 2013

S.Vanitha

...Petitioner

Vs.

1. The Secretary,
Tamil Nadu Public Service Commission,
Greens Road, Chennai - 600 006.

2. The Secretary to the Govt. of Tamil Nadu,
Social Welfare and Nutritious Meal
Programme Department (SW1)
Secretariat, Fort St. George,
Chennai - 600 009.

3. The Director,
Directorate of Social Welfare,
Chindradripet, Chennai - 600 002.

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to appoint the petitioner as Child Development Project Officer in the Social Welfare and Nutritious Meal programme Department from the Reserve List No.1 candidate for BC (other than BC Muslim Category) in the selection list published by the first respondent dated 28.02.2012 based on the representation of the petitioner dated 28.01.2013 and 19.06.2013.

For Petitioner : Mr.C.K.M.Appaji

For Respondents 2 & 3 : Mr.R.Vijayakumar (for 2 & 3)
Additional Government Pleader.

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to appoint the petitioner as Child Development Officer in the Social Welfare and Nutritious Meal

Programme Department from the Reserve List No.1 candidate for BC (other than BC Muslim Category) in the selection list published by the first respondent on 28.02.2012 based on the representations of the writ petitioner dated 28.01.2013 and 19.06.2013.

2.The learned counsel appearing for the writ petitioner made a submission that the petitioner was selected for appointment to the post of Child Development Officer in the social Welfare and Nutritious meal Programme Department and the name of the writ petitioner was kept in the reserved list No.1. Accordingly, the petitioner states that one candidate from the main selected list had not joined in the post and therefore the respondents ought to have accommodated the writ petitioner in the said post by issuing an order of appointment. However, no such appointment order was issued for the past four years.

3.The legal principles in the matter of appointment is that appointment can never be claimed as a matter of right. Mere selection will not confer any right to claim an order of appointment. Releasing the reserve list is the discretion of the competent authorities, whenever the need arises. Further, if the next selection was already completed, the question of selecting candidates from the earlier reserved list does not arise at all. In view of the legal principles, the authorities atleast would have communicated the situation to the writ petitioner. However, the learned counsel states that the representations sent by the writ petitioner has not been responded so far.

4.Thus, without going into the merits of the matter, the second respondent is directed to consider the representations submitted by the writ petitioner on 28.01.2013 and 19.06.2013 and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order and communicate the same to the writ petitioner. The writ petitioner is directed to enclose a copy of the representations alongwith the order passed in this writ petition.

5. Accordingly, the writ petitioner stands disposed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

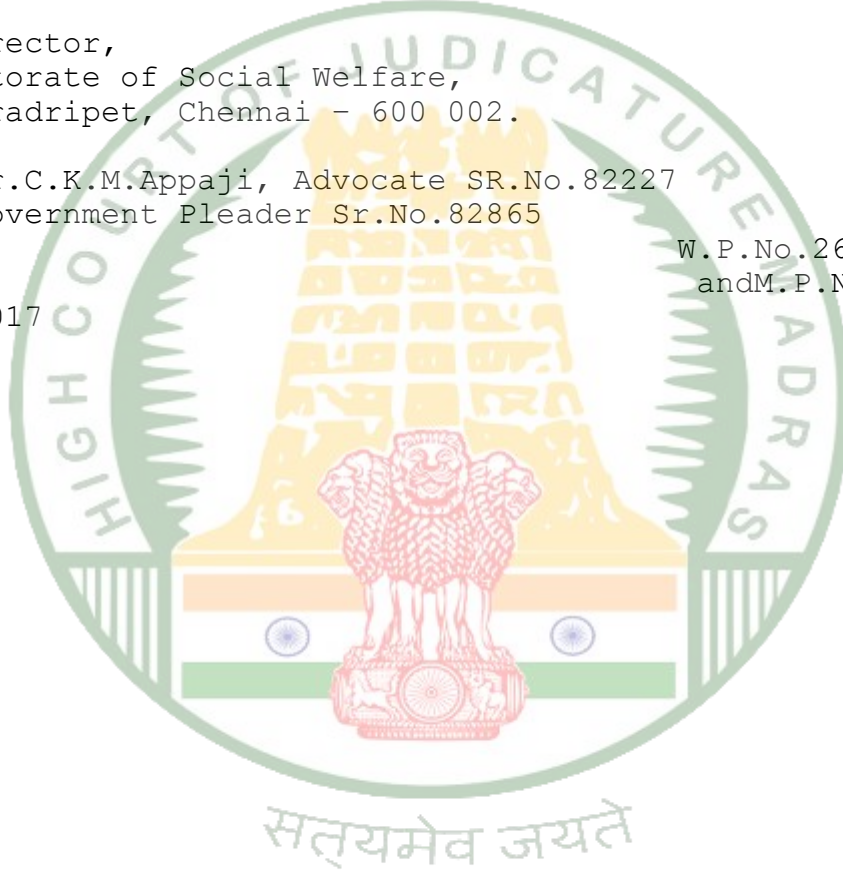
smn/rm
To

1. The Secretary,
Tamil Nadu Public Service Commission,
Greams Road, Chennai - 600 006.
2. The Secretary to the Govt. of Tamil Nadu,
Social Welfare and Nutritious Meal
Programme Department (SW1)
Secretariat, Fort St. George,
Chennai - 600 009.
3. The Director,
Directorate of Social Welfare,
Chindradripet, Chennai - 600 002.

+lcc to Mr.C.K.M.Appaji, Advocate SR.No.82227
+lcc to Government Pleader Sr.No.82865

W.P.No.26437 of 2013
and M.P.No.1 of 2013

sm:7.12.2017



WEB COPY