

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :20.11.2017
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.18916 of 2010

P.Vetrivel

..Petitioner

vs

1.The State of Tamil Nadu,
Rep.by the Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai - 600 009.

2.The Chairman,
Teachers Recruitment Board,
E.V.K.Sampath Maligai,
D.P.I.Compound,
Chennai - 600 006.

3.The Director,
Directorate of School Education,
E.V.K.Sampath Maligai,
D.P.I.Compound,
Chennai - 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the respondents to consider the petitioner for the
Post of Teacher in English Subject based on the seniority dated
16.08.2007.

For Petitioner : Mr.A.Kumana Raja

For Respondents : Mr.R.Vijayakumar

Additional Government Pleader

O R D E R

The relief sought for in this writ petition is for a
direction to the respondents to consider the petitioner for the
post of Teacher in English Subject based on the seniority dated
16.08.2007.

2.The learned counsel appearing for the petitioner made a
submission that though the writ petitioner was sponsored for
recruitment to the post of Teacher, he was not selected and his
juniors were appointed. However, the writ petitioner is unable
to substantiate the details in respect of the junior who was
appointed. The registration details and the other particulars

of the juniors have not been stated in the writ petition and this apart, no such junior has been impleaded as a party respondent in the writ petition. A mere statement in the affidavit or in the representation submitted by the writ petitioner that his junior was appointed can never be trusted upon and based on such a blank statement, this Court cannot issue any direction to the respondents to appoint the petitioner in a particular post or a cadre.

3.Appointment can never be claimed as a matter of right. Appointment in a public post should be undertaken by the competent authorities only under the constitutional schemes by following the recruitment rules in force. A mere participation in the process of selection will not confer any right on the candidates to seek appointment. If a selection culminated into an order of appointment, then the right will not accrue to a candidate but not otherwise. This being the legal principle to be followed, a mere participation in the process of selection cannot be a ground for filing this writ petition or for this Court to issue a direction in this regard to appoint the petitioner in the absence of any material to establish that the respondents have not followed the employment seniority or committed any irregularity, illegality, malpractices or corrupt activities in the process of selection. Thus, this Court is not inclined to interfere with the process of selection and it is left open to the writ petitioner to participate in the open competitive process and get himself selected. Thus, the other grounds raised in this writ petition deserves no further consideration.

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

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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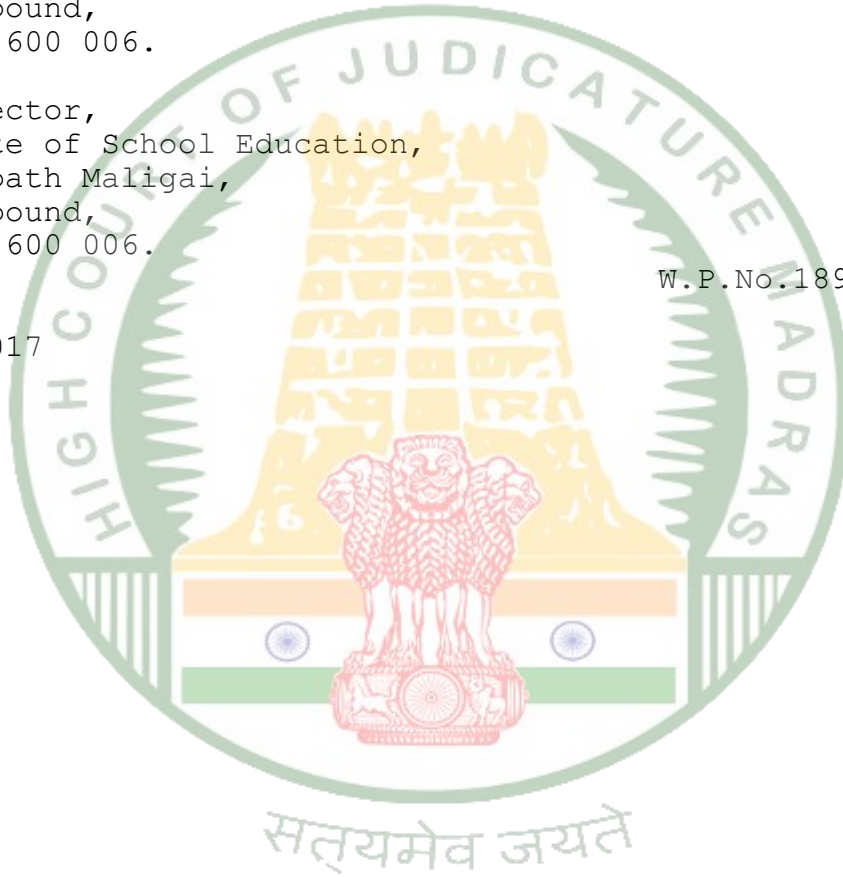
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