

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2017

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

W.P.No.19499 of 2010

V.N.Murugesan

... Petitioner

Vs

Tamil Nadu Public Service Commissioner
Rep by its Secretary
Commercial Tax Annexe Building
No.1, Greaves Road,
Chennai 600 006.

... Respondent

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, directing the respondent to consider the petitioner for the appointment to the post of Executive Officer, Grade IV, included in Group VIII Service under the Tamilnadu Hindu Religious and Charitable Endowments Subordinate Service for 2004-06.

For Petitioner : Mr.G.Pugazhenthir

For Respondent : Mr.Dr.M.Devendran

O R D E R

The relief sought for in this Writ Petition is for a direction to the respondent to consider the petitioner for appointment to the post of Executive Officer, Grade IV, included in Group VIII Service under the Tamilnadu Hindu Religious and Charitable Endowments Subordinate Service for 2004-06.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner has passed B.Sc Mathematics in the year 1987 and registered his name in the District Employment Exchange, Trichy. The writ petitioner claims that he is differently abled person having 53% disability in eye vision. The respondent sponsored the name of the writ petitioner for recruitment to the post of Executive Officer, Grade IV. The writ petitioner had participated in the interview and thereafter he was not selected. Thus, the writ petitioner was constrained to move this Writ Petition under Article 226 of

the Constitution of India.

3.This Court is of the firm view that the appointment can never be claimed as a matter of right by the candidates. A mere participation in the interview will not confer any right on the candidate to seek an order of appointment. In the case on hand, no doubt the writ petitioner was sponsored by the District Employment Exchange and he attended the interview conducted by the respondents. Thus, the writ petitioner has not established any legal right so as to issue any direction to the respondent to appoint the writ petitioner.

4.The process of selection can be challenged by way of a Writ Petition only if there is irregularity, illegality, malpractice or corrupt practices. The scope of entertaining the Writ Petition challenging the process of selection is limited. High Court can entertain a Writ against the process of selection only on exceptional circumstances in the event of establishing any one of the above stated legal grounds. However, the writ petitioner has not established even a semblance of right so as to consider his case for issuing any such direction as such sought for in this Writ Petition. This apart, the writ petitioner, at the time of filing of the Writ Petition was 48 years of age and now, he would be 55 years of age. Thus, this Court is not inclined to consider the claim of the writ petitioner.

5.Accordingly, this Writ Petition stands dismissed. However, there is no order as to costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

gsa
To

The Secretary
Tamil Nadu Public Service Commissioner
Commercial Tax Annexe Building
No.1, Greams Road,
Chennai 600 006.

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+1 cC to Mr.G.Pugazhenthii, Advocate sr 83599.
+1 cC to Mr.M. Devendran, advocate sr 83002.

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SP(08/12/2017)



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