

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.347 of 2016

S.Karthigeyan

.. Petitioner

vs.

1.The Director,
Directorate of Employment and Training,
Thiru Vi.Ka.Industrial Estate,
Guindy,
Chennai-600 032.

2.The Joint Director,
Directorate of Employment and Training,
Thiru Vi.Ka.Industrial Estate,
Guindy,
Chennai-600 032.

.. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to send interview card to the petitioner for the post of Junior Training Officer (Mechanic/Instrument) at the Department of Employment and Training (Training Wing) as per the letter dated 3.12.2014 of the first respondent.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.S.Gunasekaran,
Additional Government Pleader.

O R D E R

The relief sought for in this writ petition is for a direction to direct the first respondent to send interview card to the writ petitioner for

the post of Junior Training Officer (Mechanic/Instrument) in the Department of Employment and Training.

2. The learned counsel appearing for the writ petitioner contended that the writ petitioner has passed the National Trade Course in the year 1986 and completed his National Apprenticeship Course in the year 1987. Basically the writ petitioner has passed ITI Mechanic (Instrument) in Government Industrial Training Institute, Trichy. Thus, he is qualified for the appointment to the post of Junior Training Officer in the Government ITI under the Department of Employment and Training.

3. However, the list for recruitment was called for by the respondents and the name of the writ petitioner was sponsored. In this regard, the writ petitioner sent an application under the RTI Act and the same was received by the Department of Employment and Training in proceedings dated 5.10.2015. The information stipulates that the name of the writ petitioner was not sponsored during the year 2014. Since his name has not reached the seniority and whenever his name reaches the seniority, his name will be sponsored and accordingly, he will be considered. Having not satisfied, the writ petitioner filed this writ petition under Article 226 of the Constitution of India.

4. Appointment can never be claimed as a matter of right and consideration will arise only if the writ petitioner falls under the zone of consideration. Admittedly, the name of the writ petitioner has not reached

seniority in the Employment Exchange. Thus, there is no material to consider that the writ petitioner has reached his seniority and not considered for appointment to the post of Junior Training Officer.

5. In the absence of any semblance of right, no writ can be entertained under Article 226 of the Constitution of India. Right to be established is the basic requirement for maintaining a writ petition.

6. In the case on hand, no such legal right is established nor an instance is available, so as to consider the claim set out in this writ petition.

7. In this view of the matter, no further adjudication in support of the relief sought for in this writ petition needs to be undertaken.

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

सत्यमेव जयते

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Speaking Order/Non-Speaking Order.

Index : Yes/No.

Internet : Yes/No.

Svn

S.M.SUBRAMANIAM, J.

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To

1.The Commissioner and Secretary to Government,
Revenue Department,
Fort St. George,
Chennai-600 009.

2.The Special Commissioner and Commissioner
for Revenue Administration,
Ezhilagam,
Chepauk,
Chennai-600 005.



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