

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.35239 of 2016

M.Sathiamoorthy

.. Petitioner

-vs-

1. The Additional Director General of Police-cum-
Inspector General of Prisons
Prison Department
Chennai 600 008

2. The Superintendent of Central Prison
Salem .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to issue necessary appointment order to the petitioner for the post of Secondary Grade Teacher in the second respondent prison pursuant to the selection process conducted on 22.04.2015 within the time limit prescribed by this Hon'ble Court.

For Petitioner :: Mr.T.Ayngaraprabhu

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

ORDER

The relief sought for in this writ petition is for a direction to the respondents to issue necessary appointment order to the petitioner for the post of Secondary Grade Teacher in the second respondent prison, pursuant to the selection process conducted on 22.4.2015.

2. The learned counsel for the writ petitioner made a submission that the writ petitioner has completed B.A., and Diploma in Teacher Training and accordingly eligible for appointment to the post of Secondary Grade Teacher in the respondent-Prison Department. The second respondent issued a notification on 6th April, 2015 inviting applications from the eligible candidates for recruitment to the post of Secondary Grade Teacher. The writ petitioner participated in the process

of selection and got selected. However, no order of appointment was issued to the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition seeking a direction for issuance of the appointment order.

3. Appointment can never be claimed as a matter of legal right. A mere participation in the selection process will not confer any right on the petitioner to seek an order of appointment. It is the administrative prerogative of the authorities to complete the process of selection in all respects or to cancel the same in between. A mere non-issuance of the appointment order by the respondents after selection cannot be a ground for the writ petitioner to seek a direction for issuance of the appointment order. In other words, participation in the selection process is based on the notification and the same will not provide any legal right to the writ petitioner to claim that he must be appointed. The learned counsel for the writ petitioner admits the fact that pursuant to the selection, no other person was appointed.

4. The process of selection can be challenged in writ proceedings only on restricted grounds and a writ can be issued only under exceptional circumstances. If the process of selection is in violation of the statutory rules or any malpractices or corrupt activities are established, then the Court can issue a writ under Article 226 of the Constitution of India. Judicial review against the selection process is absolutely limited and the Courts are to be cautious while interfering with the process of selection. In the case on hand, admittedly, the process of selection was undertaken and the writ petitioner participated in the process. Thus, the writ petitioner cannot claim that an order of appointment is to be issued to him based on the selection made pursuant to the notification issued on 6th April, 2015. In the absence of any legal right in this regard, the prayer as such sought for in this writ petition cannot be granted. In view of the fact that the writ petitioner has not established a semblance of right, the other grounds raised in this writ petition do not require any further consideration. Accordingly, the writ petition stands dismissed. Consequently, W.M.P.No.30356 of 2016 is also dismissed. However, no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

SS

To

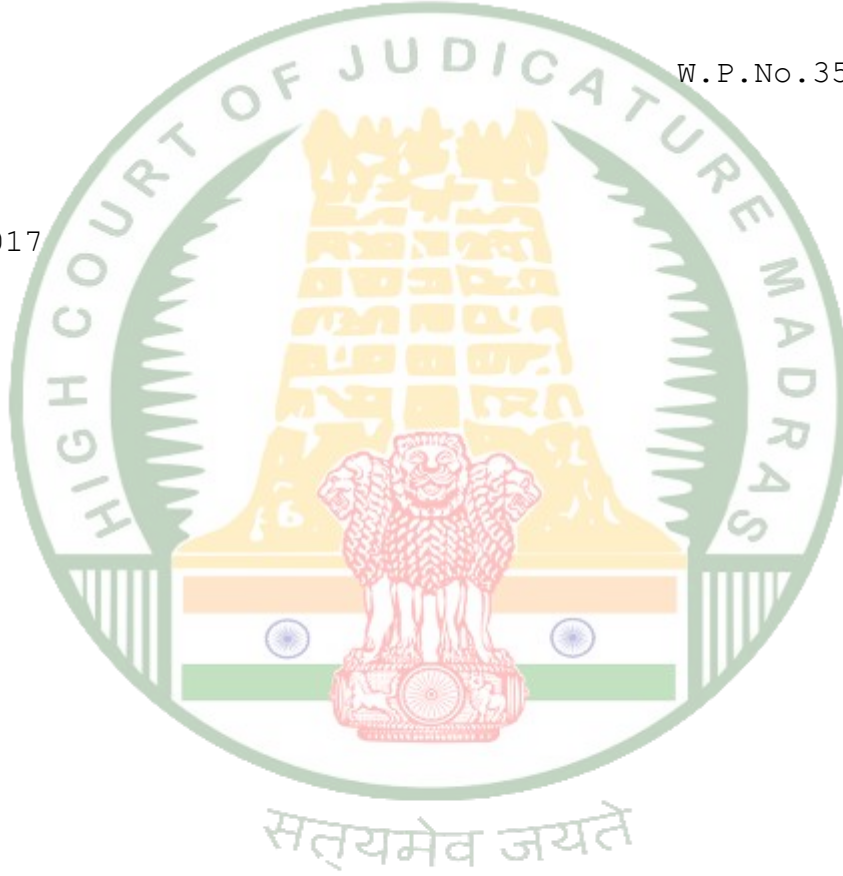
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Chennai 600 008

2. The Superintendent of Central Prison
Salem

+1 cc to the Government Pleader sr 65471
+1 cc to Mr.M.Muthappan Advocate sr 65137

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