

In the High Court of Judicature at Madras

Dated : 28.08.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P. No.4889 of 2016

G.Sivaguru

...Petitioner

Vs

1. The District Collector,
The District Collectorate Office,
Cuddalore,
Cuddalore District.

2. Revenue Divisional Officer,
Revenue Divisional Office,
Viruthachalam,
Cuddalore District.

3. The Tahsildar,
Veppur Taluk Office,
Veppur,
Cuddalore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 3rd respondent to appoint the petitioner as Village Assistant for the post which arising in petitioner's village of Malaiyanur by considering his representation dated 05.02.2016.

For Petitioner	: No appearance
For Respondents	: Mr.R.S.Selvam, Government Advocate

ORDER

The relief sought for in this writ petition is for a direction to direct the third respondent to appoint the petitioner as Village Assistant for the post which arise in his village, i.e., Malaiyanur, by considering his representation dated 05.02.2016.

2. The writ petitioner studied upto 10th standard and failed in the 10th standard. The writ petitioner came to understand that the third respondent is going to fill up three vacant posts of Village Assistant for Malayanur village. In this regard, a notification was issued on 13.10.2015 in the daily newspaper.

3. The petitioner states that since, he being the resident of the Village, he is also eligible for appointment to the post of Village Assistant. He applied for the post also. However, he has not received any communication regarding the conduct of the interview from the third respondent. Therefore, he is constrained to move the present writ petition, with a prayer to appoint him as Village Assistant by considering his representation.

4. Appointment can never be claimed as a matter of right. In the absence of any legal ground to say that the process of selection is illegal, the writ petitioner cannot simply claim appointment, as a matter of right. Similarly, the 3rd respondent had only issued a notification, calling for applications, in order to fill up the posts of Village Assistant, and therefore, the writ petitioner cannot move the writ petition for a direction to appoint him as a Village Assistant.

5. Admittedly, the writ petitioner has not received any call letter for interview. Further, it is not stated that some other persons were appointed. That apart, no appointment order is under challenge. In the absence of any one of these grounds, there is no cause for the writ petitioner to move the writ petition under Article 226 of the Constitution of India. The writ petitioner cannot said to be an aggrieved person in the eye of law. Thus, no writ can be issued as prayed in this writ petition.

6. Accordingly, the writ petition is devoid of merits and dismissed as not maintainable, in view of the fact that the writ petitioner cannot be construed

S.M.SUBRAMANIAM,J

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as an aggrieved person nor a cause aroused for the writ petitioner to move this writ petition. However, no order as to costs.

28.08.2017

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Index : Yes (or) No

Internet Yes (or) No

Speaking order / Non Speaking order

To

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