

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5060 of 2016

And

WMP No.4406 of 2016

O.Srinivasan

.. Petitioner

vs.

1. Director of Public Health and Preventive Medicine,
Public Health and Preventive Medicine Department,
No.359, Anna Salai,
DMS Complex,
Teynampet,
Chennai-600 006.

2. The Deputy Director of Health Services,
Public Health and Preventive Medicine Department,
Tirupathur Health District,
Near Municipal Office,
Chairman Lakshmanan Street,
Tirupathur,
Vellore District-635 601.

... 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 second respondent herein to consider petitioner's application seeking for appointment as Driver pursuant to the Newspaper Advertisement made on 15.1.2016 in Dina Boomi as a valid application and further direct the second respondent to consider the application for appointment on merits in accordance with law.

For Petitioner : Mr.V.P.Sengottuvel

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 the second respondent to consider petitioner's application, seeking appointment to the post of Driver, pursuant

to the advertisement made on 15.1.2016 in the Daily Newspaper 'Dina Boomi'.

2. Learned counsel appearing for the petitioner contended that the writ petitioner is about to cross 35 years of age and this is the last chance for him to get appointment to the post of Driver. Thus, his case for appointment to the post of Driver is to be considered by the second respondent.

3. Establishing a legal right is a pre-condition to move a writ petition under Article 226 of the Constitution of India. At least a semblance of legal right is the minimum condition to be established by the writ petitioner to file the present writ petition.

4. Appointment to a public post can never be claimed as a matter of right. Further, the mere fact that the writ petitioner is going to complete 35 years of age, cannot constitute a ground to move this writ petition, seeking appointment to the post of Driver.

5. The learned counsel appearing for the writ petitioner, beyond this point, is unable to convince this Court that the writ petitioner has got the right to get appointment, pursuant to the notification issued by the second respondent on 15.1.2016.

6. In this view of the matter, no further consideration on the grounds raised in this writ petition is to be undertaken and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

Svn

To

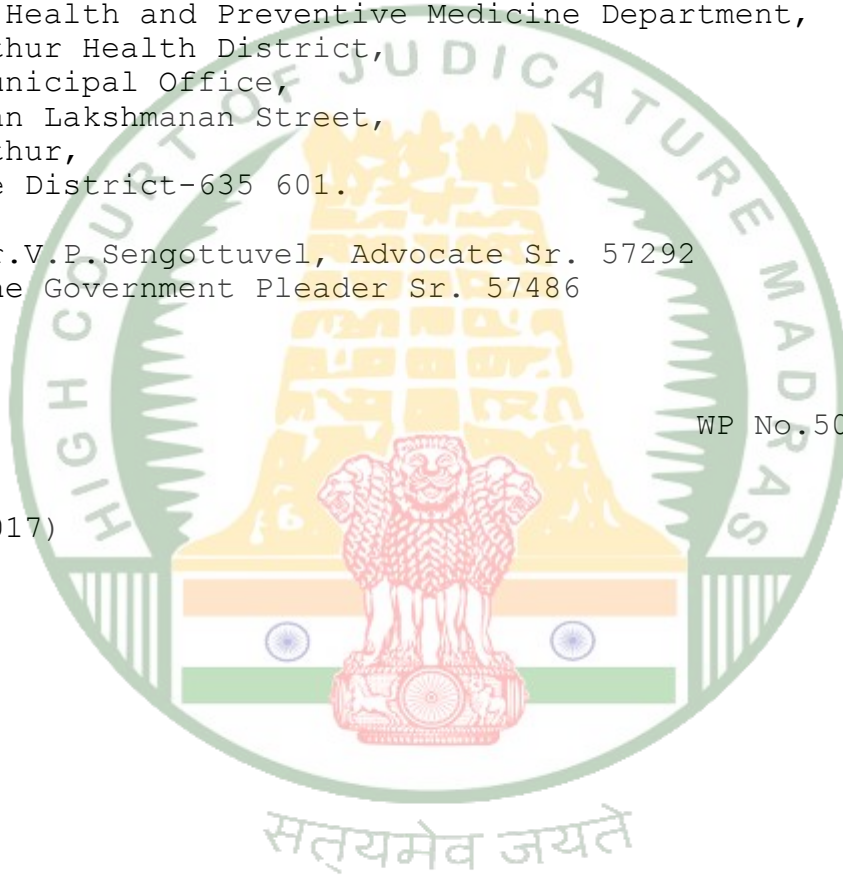
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Vellore District-635 601.

+1cc to Mr.V.P.Sengottuvel, Advocate Sr. 57292

+1cc to the Government Pleader Sr. 57486

WP No.5060 of 2016

AR (IV)
VR(28/8/2017)



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