

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2017

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

W.P. No.6504 of 2016 &

WMP Nos. 5804 to 5806 of 2016

M.Pakkiyaraj

.. Petitioner

Vs

1.The District Collector
Tiruvannamalai District
Tiruvannamalai.

2.The Tahsildar
Tiruvannamalai Taluk
Tiruvannamalai District.

3.The Village Administrative Officer
Velayambakkam Village
Tiruvannamalai Taluk
Tiruvannamalai District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, to call for the records in relation to the Notification of the 2nd respondent in Na.Ka.No.A5/3631/2015 dated 06.012016 and quash the same as illegal, arbitrary and violation of principles of natural justice and consequently direct the respondents to call for fresh notification by giving opportunity to the petitioner.

For Petitioner : Mr.S.Ambigapathi

For Respondents : Mr.C.C.Rangarajan
Govt. Advocate

ORDER

The Notification issued by the second respondent in proceedings dated 6th January, 2016, for recruitment to the post of Village Assistant is under challenge in this Writ Petition.

2. On a perusal of the Notification, it is seen that the Notification was issued with regard to filling up of the post of Village Assistants in certain villages.

3. The learned counsel appearing for the petitioner submitted that the Notification was issued without adopting the fair procedure as specified by the Government of Tamil Nadu for recruitment to the post of Village Assistant. Further, it is submitted that the writ petitioner had no knowledge about the Notification and the original copy of the Notification was not provided to the writ petitioner.

4. The grounds raised in this Writ Petition are vague and on the ground of non-serving of the original copy of the Notification, the Writ Petition cannot be considered. Appointment can never be claimed as a matter of right. It is for the writ petitioner to participate in the process of selection and get an order of appointment after succeeding in the selection process. A Notification for recruitment can be challenged

only under exceptional circumstances and no Writ can be entertained in a routine manner. Notification can be challenged on the ground of illegality and on the ground of allegations of malpractices or *mala fides*. In the absence of any such legal grounds, the Constitutional Courts cannot intervene with the process of selection, so also, the Notification.

5. Such being the legal principles, the grounds raised in this Writ Petition that the original copy of the Notification was not served or the writ petitioner had no knowledge about the Notification, cannot be considered at all. The allegations made in vague terms in the Writ Petition, cannot be entertained.

6. In this view of the matter, no further adjudication needs to be undertaken on the grounds raised in this Writ Petition. This apart, the learned Government Advocate made a submission that 25 persons were sponsored by the Employment Exchange and 121 persons have submitted their Applications in response to the Paper Advertisement. Thus, 146 persons have participated in the direct recruitment process for appointment to the post of Village Assistant. The writ petitioner who has not even applied for the post of Village Assistant nor sponsored by the District Employment Exchange, has no right to challenge the Notification.

7.This Court is of the clear view that the person who has not even applied for the post cannot challenge the Notification and further in the case on hand, the writ petitioner has not been sponsored by the District Employment Exchange. Thus, the writ petitioner has no *locus standi* to file the Writ Petition, challenging the Notification for recruitment to the post of Village Assistant.

Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

04.09.2017

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To

1.The District Collector
Tiruvannamalai District, Tiruvannamalai.

2.The Tahsildar
Tiruvannamalai Taluk
Tiruvannamalai District.

3.The Village Administrative Officer
Velayambakkam Village
Tiruvannamalai Taluk
Tiruvannamalai District.

S.M.SUBRAMANIAM,J.

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W.P. No. 6504 of 2016

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