

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2017

CORAM

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

W.P.No.7909 of 2016

G.Vijayakanth

... Petitioner

Vs

- 1.The District Collector,
Collectorate
Salem District.
- 2.The District Revenue Officer,
Salem District.
- 3.The Revenue Divisional Officer,
Salem Division,
Salem District.
- 4.The Tahsildar,
Taluk Office,
Salem South, Salem District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, to direct the 4th Respondent herein to conduct the interview for the petitioner and direct the 4th respondent to appoint the petitioner's in the post of Village Assistance P.Natanmangalam Village, Salem South Taluk, Salem District.

For Petitioner : Mr.A.Rajakumar

For Respondents: Mr.R.S.Selvam
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to the 4th respondent to conduct interview for the petitioner and also to direct the 4th respondent to appoint the petitioner for the post of Village Assistants in P.Nattanmangalam Village, Salem South Taluk, Salem District.

2.The learned counsel appearing for the petitioner made a submission that the petitioner belongs to Schedule Caste community and solemnized an inter-caste marriage and having 4 children. The petitioner is earning on daily wages and therefore the family is penurious circumstances.

3. The learned counsel further made a submissions that based on the District Employment seniority, a call letter was issued to the writ petitioner for appointment to the post of Village Assistant. On receipt of the call letter, the writ petitioner was participated in interview. However, the respondents had postponed the entire interview process and thereafter, the writ petitioner has not received any communication in this regard.

4. The learned counsel further made a submissions that since the interview was only postponed, the respondents ought to have conducted the interview on some other day. In this regard, the writ petitioner was submitted a representation on 18.01.2016 and a reminder representation was also sent on 15.02.2016 and the same were not considered.

4.This Court is of the view that the selection or appointment can never be claimed as a matter of right. A mere receipt of a call letter for interview will not confer any right on the candidates to seek any appointment on that basis. Even if a candidate has participated in the process of selection the appointment can never become a legal right.

5.A selection process can be questioned only on limited grounds and a writ can be entertained on exceptional circumstances in the event of establishing that there are illegality and irregularity in the process of selection or any malafide practices. In the absence of semblance any of these legal grounds, a mere call letter or participation in the interview cannot be claimed as a matter of right, so as to seek appointment.

6. On the facts the writ petitioner has not established any semblance of legal rights so as to consider the prayer as sought for in this writ petition. In the absence of establishing any legal right no writ can be entertained. It is for the writ petitioner to wait for his next opportunity or to participate in the open competitive process.

7. In view of this matter, no further adjudication is required to be undertaken in this writ petition. Accordingly the writ petition stands dismissed. However, there is no order as to costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The District Collector,
Collectorate

Salem District.

2. The District Revenue Officer,
Salem District.

3. The Revenue Divisional Officer,
Salem Division,
Salem District.

4. The Tahsildar,
Taluk Office,
Salem South,
Salem District.

- 1 cc to Mr. A. Raja Kumar, Advocate Sr.No.64055
- 1 cc to The Government Pleader, Sr.No.64973

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CO (MN)

vs 13/10/2017