

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2017

CORAM

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

W.P.No.8350 of 2016

D.Hemalatha

... Petitioner

Vs

1.The District Employment Officer,
Kanchipuram, Tamilnadu.

2.The Executive Officer,
Wallajabad Town Panchayat Office,
Wallajabad, Kanchipuram,
Tamilnadu.

3.The President,
Wallajabad Town Panchayat,
Kanchipuram, Tamilnadu.

... Respondents

PRAYER: Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, to direct the 2nd respondent to consider the representation dated 22.01.2016 of the petitioner and pass appropriate orders so as to appoint the petitioner in the vacancy notified by the Executive Officer of the Wallajabad Town Panchayat.

For Petitioner : Mr.L.Raghavan

For Respondents : Mr.M.Perumal (For R1)

Government Advocate

Mr.N.Srinivasan (For R2)

ORDER

The relief sought for in this writ petition is for a direction to consider the representation submitted by the petitioner on 22.01.2016.

2. The learned counsel for the writ petitioner made a submission that the writ petitioner has passed 10th standard in the year 1995 and she is destitute widow. On receipt of the communication from District Employment Officer, Kanchipuram in letter dated 28th August 2015 the writ petitioner has appeared for an interview on 10.09.2015, for appointment to the post of Sweeper under the office of the second respondent.

3. However, the writ petitioner was not selected. The writ petitioner has chosen to file writ petition for direction. Having not selected the writ petitioner has chosen to prefer the writ petition seeking direction to consider the

representation submitted by the petitioner on 22.01.2016.

4.A mere participation in the process of selection will not confer any right on the writ petitioner to seek appointment. Attending the interview is a process and such a process cannot be a basis for filing this writ petition even to consider the representation.

5.On reading of representation submitted by the writ petitioner it is clear that the writ petitioner seeks appointment for the post of Sweeper in the office of the second respondent. Thus, this Court cannot issue any direction to consider the representation dated 22.01.2016 submitted by the writ petitioner in view of the fact that there is no legal right vested on the writ petitioner to seek any such claim for such appointment.

6. In the absence of semblance of legal right no writ can be entertained and it is pre-condition that the writ petitioner has to establish a legal right.

7. Thus, this court of the firm view that no direction as such sought for in the writ petition against the respondents can be granted in the view of the fact that the writ petitioner has not established any legal right. Accordingly, the writ petition stands dismissed. However, there is no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

tkp/maya

To

1.The District Employment Officer,
Kanchipuram, Tamilnadu.

2.The Executive Officer,
Wallajabad Town Panchayat Office,
Wallajabad, Kanchipuram,
Tamilnadu.

3.The President,
Wallajabad Town Panchayat,
Kanchipuram, Tamilnadu.

+1cc to Mr.K.V.Sridharan, Advocate, S.R.No.64305
+1cc to the Government Pleader, S.R.No.64512

W.P.No.8350 of 2016

SSI (CO)
GN(12/10/2017)