

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.04.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.8242 to 8244 of 2018

and

W.M.P.Nos.10200 to 10202 of 2018

1. T.Ezekiel Ekambaram ... Petitioner
in W.P.No.8242/2018

2. M.Murugan ... Petitioner
in W.P.No.8243/2018

3. M.Ravi ... Petitioner
in W.P.No.8244/2018

Versus

1. Directorate of Employment and Training,
Department of Employment and Training,
Guindy,
Chennai - 32.

2. The District Employment Officer,
Thiruvallur District,
Thiruvallur - 109.

3. The Commissioner of Veterinary Service,
D.M.S. Campus,
Teynampet,
Chennai - 18.

4. The District Collector,
Thiruvallur - 1.

5. The Regional Joint Director,
Animal Husbandry Department,
No.179, Jawaharlal Nehru Road,
Veterinary Hospital Campus,
Thiruvallur - 1.

.. Respondents
in all W.Ps

Common Prayer : Petition filed under Article 226 of the
Constitution of India, praying for the issuance of Writ of
Mandamus, directing the 1st & 2nd respondents herein to consider

the petitioners representation dated 24.03.2018, within time frame stipulated by this Court to sponsor their names for the purpose of considering for public employment and consequently direct the 4th respondent to consider petitioners for the post of Attender in Animal Husbandry Department.

For Petitioners : Mr.K.S.Rajeshkumar
For Respondents : Mr.V.Kadhir Velu
Special Government Pleader

C O M M O N O R D E R

The relief sought for in these writ petitions is for a direction to direct the respondents 1 and 2 to consider the representation submitted by the writ petitioners on 24.03.2008, to sponsor the names of the writ petitioners for public employment in accordance with the seniority to the post of Attender in the Animal Husbandry Department.

2. The writ petitioners are qualified for the post which they claims. The grievances of the writ petitioners are that they had registered their names in the Employment Exchange, Thiruvallur District on 14.08.1986. The petitioners received the call letter on 23.04.2008 from the 3rd respondent for appointment, however, they have not selected. Thereafter, the petitioners are waiting for appointment for about 10 years and their names was not sponsored for any other employment.

3. Under these circumstances, the writ petitioners are constrained to move writ petition for the direction to consider their representation to sponsor their names to public employment. Appointment can never be claimed as a matter of legal right. All appointments are to be made only by following the recruitment rules in force. Equal opportunity in public employment is a constitutional mandate. All eligible persons are to be provided with an opportunity to participate in the selection process through open competitive scheme, appointments are to be made under the constitutional schemes to establish procedure which all are legally accepted. Mere submission or representation or registration of name in the employment exchange will not provide a legal right in claiming appointment or to seek a direction by filing writ petition under Article 226 of the Constitution of India.

4. The facility of registration of names in the employment exchange is provided by the State to facilitate the employer to adopt an uniform and transparent procedures, and in order to avoid the quality in the matter of consideration of names for the public appointment. At the out set, to follow uniformity, such facility is provided. However, mere registration of names in the employment exchange will not constitute a right or for

claiming appointment in a public post.

5. In the present case, the writ petitioners have registered their names in the employment exchange. However, their grievance are that their names are not sponsored by the department. Sponsorship is to be made only in accordance with the employment seniority and by following the rules of reservation, the writ petitioners have waited for number of years and therefore, their names should be sponsored for employment.

6. Thus, the very claim made out in this writ petition is absolutely misconceived and the writ petitioners have not established any semblance of legal right so as to consider their claims as such sought for in this writ petitions. Seeking direction to consider the representation is to be entertained only if, a person establishes this legal right. In other words, establishing a legal right is pre condition for entertaining the writ petition under Article 226 of the Constitution of India.

7. Accordingly, the writ petitions stands dismissed. Consequently, the connected miscellaneous petitions are closed. However, there shall be no order as to costs.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

1. The Directorate of Employment and Training,
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Chennai - 32.
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Thiruvallur District,
Thiruvallur - 109.
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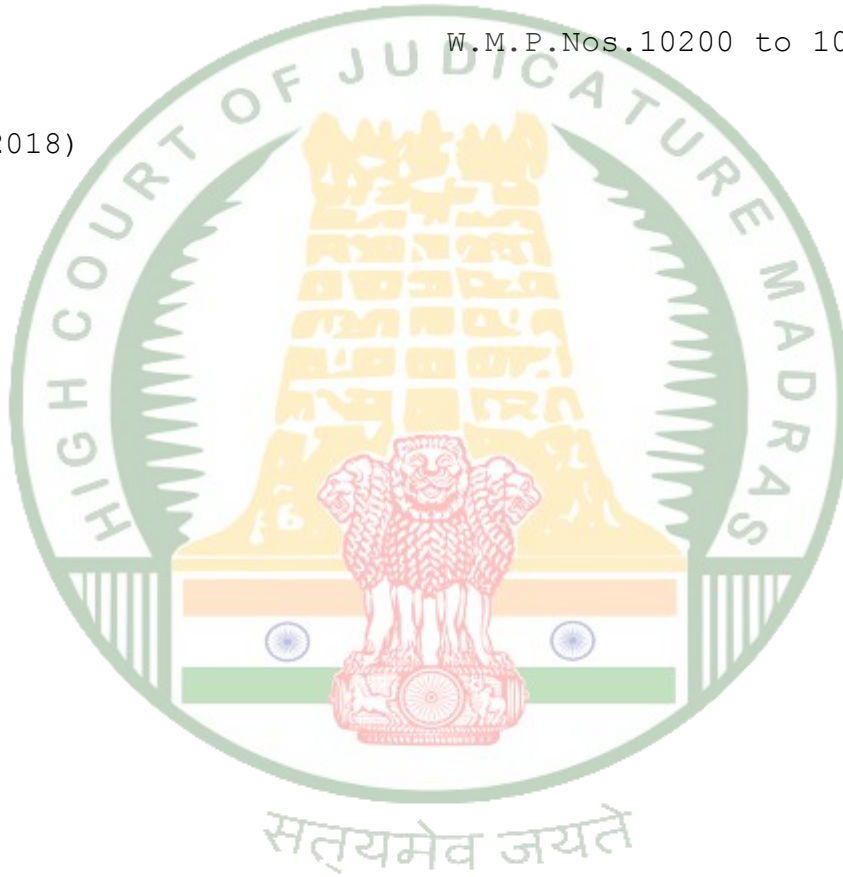
5. The Regional Joint Director,
Animal Husbandry Department,
No.179, Jawaharlal Nehru Road,
Veterinary Hospital Campus,
Thiruvallur - 1.

+3 Ccs to Mr.K.S. Ragesh Kumar, Advocate sr 26341 to 26343.

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RSI (CO)
SP(09/05/2018)



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