

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 12.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.33562 of 2006

M.SARAVANAKUMAR

... petitioner

Vs

1 STATE OF TAMILNADU

REP.BY ITS SECRETARY TO GOVT.

TRANSPORT DEPT.

FORT ST. GEORGE CHENNAI-9

2 THE GENERAL MANAGER

TNSTC (KOVAL) LTD. COIMBATORE ERODE

DIVISION NO.45 SENNIMALAI ROAD ERODE-1...respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling the records from the 1str respondent relating to G.O.Ms.No. 41 Transport (c1) Dept. dated 13.7.2006 and the consequential order of the 2nd respondent dated 21.7.2006 and quash the same and further direct the respondents to permit the petitioner to join duty pursuant to his appointment order dated 27.2.2006 issued by the 2nd respondent.

For petitioner Mr.V.Venkatasamy

For respondents Mr.Akhil Akbar Ali,
Government Advocate,
for 1st respondent

Mr.P.Kannan Kumar, for R-2

सत्यमेव जयते

O R D E R

The order of the Government issued in G.O.Ms.No.41, Transport (C1) Department dated 13.7.2006 and the consequential order of the second respondent dated 21.7.2006 are sought to be quashed in the present Writ Petition.

2. The Government issued order in G.O.Ms.No.41 Transport (C1) Department dated 13.7.2006, regarding the appointment of drivers and conductors in the State Transport Undertaking. The learned counsel for the petitioner states that pursuant to the Government Order, the petitioner participated in the process of selection and

he was provisionally selected for appointment to the post of driver on daily wage basis. However, the provisional selection was cancelled by the respondents vide proceedings dated 21.7.2006, stating that the respondents had to provide priority to retrenched workmen pursuant to the orders of this Court.

3. This Court is of the opinion that the provisional selection itself was made for the post of driver only on daily wage basis. This apart, no order of appointment had been issued to the Writ Petitioner pursuant to the provisional selection. The provisional selection will not confer any right on the employee to claim appointment. Public appointment can never be claimed as a matter of right. Thus, the cancellation of provisional selection will not cause any infringement of right to the Writ Petitioner and therefore, the Writ Petitioner is not entitled for the relief as such sought for in the present Writ Petition and accordingly, the Writ Petition stands dismissed. No costs.

Sd/-/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1 The Secretary to Government,
TRANSPORT DEPT.
FORT ST. GEORGE CHENNAI-9

2 THE GENERAL MANAGER
TNSTC (KOVAL) LTD. COIMBATORE ERODE
DIVISION NO.45 SENNIMALAI ROAD ERODE-1

+1 CC TO GOVERNMENT PLEADER SR.NO. 86268

+1cc to Mr.P.Kannan Kumar , Advocate SR.No. 86318

W.P. No.33562 of 2006

A.SK(25/01/2019)