

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :27.09.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No. 2487 of 2013

F.Johny ..Petitioner
vs

1.The Principal Secretary to Governor,
Governor's Secretariat Office, Raj Bhavan,
Chennai-600 032.

2.The Deputy Secretary to Governor and
Comptroller,
Governor's Household Office, Raj Bhavan,
Chennai-600032.

3.The Assistants Engineer,
PWD (Civil),
Raj Bhavan Chennai-600 032. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to provide the petitioner with the job of Lascar, which he was hitherto doing.

For Petitioner : Mr.B.Raju for Mr.V.Bhiman

For Respondents : Mrs. A.Shrijayanthi
Special Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to provide petitioner with the job of Lascar.

2. The learned counsel appearing for the petitioner states that the writ petitioner was working in the Governor's Secretariat Office / Governor's Household Office, as Butler from the year 1998 on temporary basis. The petitioner claims that he was working without any break in service. It is admitted by the petitioner that he has joined in the said post on temporary basis under Rule 10 (a) (1) of the General Rules of the Tamil Nadu State and Subordinate Service Rules. It is brought to the notice of this Court that the petitioner is not in service, as of now.

3. The learned Special Government Pleader appearing for the respondents made a submission that the writ petitioner was ousted from the service on 21.08.2012 and he has not in service for more than six years. This apart, the petitioner was appointed on temporary basis and therefore, he cannot seek any appointment on permanent basis in a sanctioned post.

4. All appointments to the public posts are to be made only under the Constitutional Scheme and by following the recruitment rules in force. The competent authorities while undertaking the process of selection are bound to follow the rules in force. Equal opportunity in public employment is a constitutional mandate and the process of selections are to be conducted in a transparent manner and by providing equal opportunity to the eligible candidates, who are aspiring for public employment by participating in the open competitive process.

5. This being the principles to be followed, this Court is of an opinion that the writ petitioner cannot seek direction to the respondents to provide a job of Lascar in Governor's Secretariat Office. Thus, the writ petitioner has to undergo the process of selection, if any recruitment notification is issued, as per the procedures contemplated.

6. Accordingly, writ petition stands dismissed. However, there shall be no order as to costs.

27.09.2018

sk

Internet:Yes/No

Index : Yes/No

Speaking/Non speaking order

S.M.SUBRAMANIAM, J.

sk

To

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