

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2018

CORAM

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

W.P.No.1438 of 2016
and
W.M.P.No.1353 of 2018

N.Gopalakrishnan

..Petitioner

vs

- 1.The State of Tamil Nadu,
rep.by its Principal Secretary,
Labour and Employment Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Commissioner,
Employment and Training,
Guindy,
Chennai - 600 032.
- 3.Joint Director,
Employment and Training,
Guindy,
Chennai - 600 032.
- 4.The District Employment Officer,
Thanjavur District Employment Exchange,
Thanjavur.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to consider the Petitioner's case for appointment to the Post of Junior Training Officer based on the Employment seniority and educational qualification for the present recruitment for the year 2014 & 2015 in view of his representation sent on 29.09.2015 within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner : M/s.G.Keerthana
For M/s.G.Thalaimutharasu

For Respondents : Mrs.A.Srijayanthi, Spl GP

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents 2 & 3 to consider the case of the writ petitioner for appointment to the post of Junior Training officer based on the Employment Exchange and the Educational Qualifications.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner is fully qualified and eligible for appointment to the Post of Junior Training Officer in the Training Wing of the Department of Employment and Training. The writ petitioner has registered his name in the Employment Exchange on 05.06.1989. However, his name has not been sponsored as far as appointment to the Post of Junior Training Officer.

3.The grievance of the writ petitioner is that some of the Juniors were already sponsored and they were appointed and thus, the petitioner is also entitled for the appointment to the Post of Junior Training Officer.

4.The learned Special Government Pleader appearing on behalf of the respondents stated that the writ petitioner has enrolled his name in the District Employment Exchange under the general category on 05.06.1989. However, the persons enrolled their names prior to 12.09.1985 alone were sponsored and the writ petitioner has not reached the seniority as per his Employment Seniority. Thus, the very claim made out in the present writ petition is untenable. In paragraph 4 of the affidavit filed in support of the writ petition, the petitioner himself has stated that the 4th respondent has replied that the persons, who have enrolled their names prior to 12.09.1989 alone had been sponsored in the general category and the writ petitioner has enrolled his name on 05.06.1989 and therefore, the seniority rank is not reached in respect of the writ petitioner.

5.May that it be, this Court is of an opinion that mere registration of the names in the Employment Exchange will not confer legal right on the candidate to claim appointment. In the event of establishing that there is some irregularity, illegality or corrupt practices in sponsoring the names by the Employment Exchange, then alone, the Courts can interfere and issue directions. In the present case, no such allegations are raised. Contrarily, a general statement is made that some of the juniors were sponsored. Such vague allegations cannot be entertained for the purpose of grant of relief as such sought for in the present writ petition.

6.As of now, the procedure of sponsoring the candidates through Employment Exchange for appointment to the post of Junior Training Officer has been dispensed with. Now, the Post of Junior Training Officer has been filled up only through an open competitive process and by issuing notification. Thus, the writ petitioner cannot seek any sponsorship for appointment to the post of Junior Training Officer as of now.

7.Appointments can never be claimed as a matter of right. All appointments to the public posts are to be made only in accordance with the recruitment rules in force. Equal opportunity in public employment is the constitutional mandate. All eligible persons are to be provided with an opportunity to participate in the process of selection at the time of undertaking the process of selection. There cannot be any deviation or dilution in respect of the equality clause enunciated in the Constitution of India. The competent authorities have to fill up the post under the constitutional schemes and by providing equal opportunity to all the eligible persons, who all are aspiring to secure public employment.

8.This being the principles to be followed, the writ petitioner cannot claim appointment to the post of Junior Training Officer only based on the Employment Registration. Employment Registration is a facility provided by the State. Such a facility will not confer any legal right for the candidates to claim appointment.

9.Therefore, the relief as such sought for in this writ petition is devoid of merits and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

// True Copy//

Sub Assistant Registrar

To

1.The State of Tamil Nadu,
rep.by its Principal Secretary,
Labour and Employment Department,
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Chennai - 600 009.

2.The Commissioner,
Employment and Training,
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Chennai - 600 032.

3.Joint Director,
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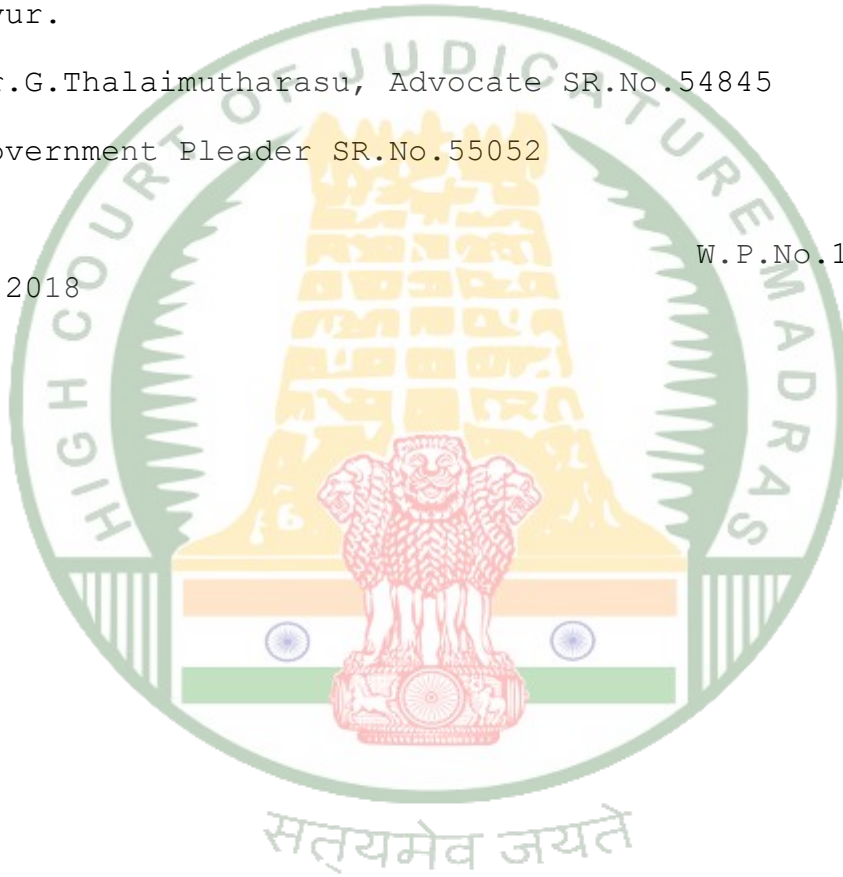
4.The District Employment Officer,
Thanjavur District Employment Exchange,
Thanjavur.

+1cc to Mr.G.Thalaimutharasu, Advocate SR.No.54845

+1cc to Government Pleader SR.No.55052

SMI/29.08.2018

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