

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.04.2018

CORAM

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

W.P.No.8839 of 2018
and
W.M.P.No.10705 of 2018

Mrs.M.Prabha

Vs

.. Petitioner

1.The Secretary,
Government of Tamilnadu,
Social Welfare Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Thiruvannamalai District,

3.The Child Development,
Scheme Officer,
Pudupalayam Union,
Thiruvannamalai District.

..Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondent to give an employment to the petitioner in the Pudupalaiyam Union, Thiruvannamalai District.

For Petitioner : Mr.D.Dhayalan
For Respondents: Mr.G.B.Rajesh, GA

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to give an employment to the petitioner in the Pudupalaiyam Union, Thiruvannamalai District.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner had participated in the process of selection for appointment to the post of Anganvadi workers. However, she was not selected and some other person was appointed. The writ petitioner has not challenged

the appointment order issued in favour of other persons and contrarily, the petitioner has submitted an application to the 3rd respondent to provide an appointment to her. Based on the application filed, the present writ petition is filed.

3.The learned counsel appearing on behalf of the respondents states that the writ petitioner had participated in the process of selection and attended the interview and she was not selected. Thus, the writ petition filed by an unselected candidate even without challenging the order of appointment issued in favour of other persons cannot be entertained at all.

4.Appointment can never be claimed as a matter of right. All appointments are to be made only by following the recruitment rules in force. Equal opportunity in public employment is a constitutional mandate. A candidate, who participated in the selection process and not selected, cannot file a writ petition and claim appointment on the basis of the application submitted by her. Such a claim cannot be entertained by this Court and the writ petitioner has to participate in the forthcoming selection, if any and accordingly, if she selected, her case can be considered for appointment. Mere participation in the selection process will not confer any right on the candidate to claim appointment.

5.This being the principles to be followed, this Court is of an opinion that the writ petitioner has not established even a semblance of legal right, so as to consider the prayer as such sought for in this writ petition.

6.Accordingly, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Government of Tamilnadu,
Social Welfare Department,
Fort St.George,
Chennai - 600 009.

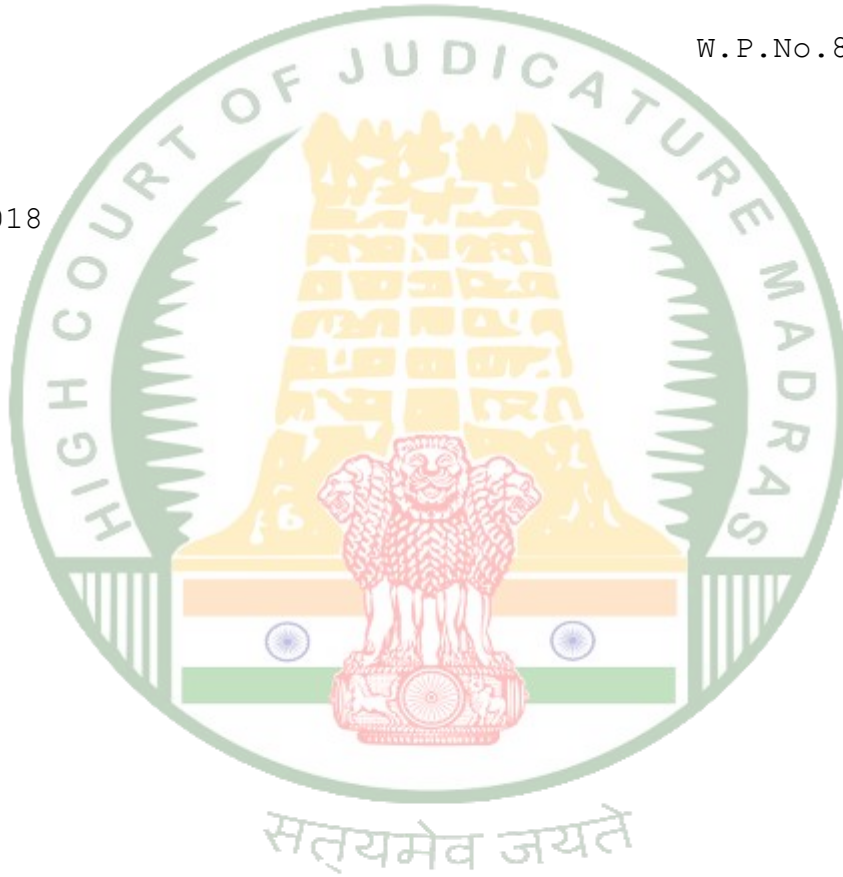
2.The District Collector,
Thiruvannamalai District,

3.The Child Development,
Scheme Officer,
Pudupalayam Union,
Thiruvannamalai District.

+1 cc to M/s.D.Dhayalan and P.Sivakumar Advocate sr 27929
+1 cc to Govt Pleader sr 29690

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