

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.09.2018

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

W.P.No.4105 of 2013

Mr.S.Akbar Shariff

..Petitioner

vs

1.The Assistant Director,
Professional & Executive Employment Office,
Chennai - 600 004.

2.The Chairman,
Tamilnadu Electricity Generation &
Distribution Corporation,
NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to include the name of the petitioner in the recommendations made by them to various departments, and the 2nd respondent to appoint the petitioner for the post of Mechanical Engineer in any of the various Departments.

For Petitioner : M/s.C.Deepa Nandhini

For Respondents : Mr.A.Ansar, Government Advocate for R1
No appearance for R2

सत्यमेव जयते
O R D E R

The relief sought for in this writ petition is for a direction to direct the 1st respondent to include the name of the petitioner in the recommendations made by them to various departments, and the 2nd respondent to appoint the petitioner for the post of Mechanical Engineer in any of the various Departments.

2.The grievance of the writ petitioner is that he is an Engineering Graduate and completed his B.E., Mechanical Engineering in the year 2005. The petitioner registered his name with the Professional and Executive Employment office on 18.07.2005 for employment in various Departments.

3.The learned counsel for the writ petitioner states that the petitioner was waiting for a Call Letter and no such information had been received by the writ petitioner. Thus, the petitioner is constrained to move the present writ petition.

4.It is contended that the 2nd respondent had called for appointment to the Post of Assistant Engineers and the vacancy position during the relevant point of time was 600. Out of 600, 100 candidates from B.E., Mechanical Engineering had been selected for appointment to the Post of Assistant Engineers.

5.It is stated in the affidavit filed in support of the writ petition that the petitioner came to understand that some of the candidates recommended are juniors to the writ petitioner. However, the said statement has not been substantiated by properly impleading all those junior candidates in the writ petition and challenging the recruitment notification. Contrarily, the writ petitioner has made certain general allegations, which cannot be considered by this Court for the purpose of grant of the relief as such sought for in the present writ petition. The writ petitioner seeks that a direction is to be issued. Sponsor the name of the writ petitioner for appointment to any posts in any department and such a direction cannot be issued in the absence of any allegation in the process of selection for recruitment. There was a malpractice, illegality or corrupt activities in respect of the recruitment process, this Court would not be in a position to issue any direction to consider the case of the writ petitioner for appointment.

6.Mere registration of the name of a candidate in the Employment Exchange will not confer any right for seeking appointment. The facility of registration in Employment Exchanges are provided to maintain equality in providing public employments. Thus, mere registration will not confer any right of appointment. All appointments to the public posts are to be made only by following the recruitment rules in force. Equal opportunity in public employment is the constitutional mandate. The competent authorities, while undertaking the process of selection is bound to follow the rules in force by providing equal opportunity to all the eligible candidates. Undoubtedly, the Employment seniority and the rule of reservation are to be followed scrupulously, while undertaking the process of selection. The writ petitioner has not established any such malpractice or illegality or corrupt activities in the process of selection. In the absence of any such specific allegations, this Court would not be in a position to consider the claim of the writ petitioner for appointment to any posts in any Departments. Such a vague prayer cannot be entertained and the writ petitioner is bound to establish a legal right for the purpose of grant of such a prayer.

7.Except making such bald allegations, the writ petitioner has not established any legal right, so as to consider the relief as such sought for in the writ petition. Sponsoring of the names for public employments are to be made strictly in accordance with the employment seniority and by following the rules of reservation. Thus, in the event of sponsoring the names for public employments, the case of the writ petitioner also to be considered along with all other similarly placed candidates by following the rules in force.

8.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Assistant Director,
Professional & Executive Employment Office,
Chennai - 600 004.

2.The Chairman,
Tamilnadu Electricity Generation &
Distribution Corporation,
NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.

+1cc to M/s.C.Deepa Nandhini, Advocate, S.R.No.66229
+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.66214
+1cc to the Government Pleader, S.R.No.66296

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SVN(CO)

rrs 15/10/2018

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