

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11003 of 2018

and

W.M.P.Nos.12907 & 12908 of 2018

D.Ganesan

... Petitioner

Versus

1.The Director of Tamil Nadu
Elementary Education,
Elementary Education Office,
DPI Compound,
Nungambakkam,
Chennai - 600 006.

2.District Elementary Education Officer,
Collectorate Building,
Salem - 636 001.

3.Assistant Elementary Education Officer,
Attur - 636 102,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 1st and 2nd respondents to conduct 2nd counseling based on the seniority list for English Teacher in Attur Union dated 01.01.2017 to the petitioner and also direct the 1st and 2nd respondents to consider the petitioner for the English Teacher Post.

For Petitioner :: Mr.A.Radhakrishnan

For Respondents :: Mr.P.Raja,
Government Advocate

* * * * *

O R D E R

The relief sought for in this writ petition is to direct the 1st and 2nd respondents to conduct second counseling based on the seniority list for English Teacher in Attur Union dated

01.01.2017 to the petitioner and also direct the 1st and 2nd respondents to consider the petitioner for the English Teacher Post.

2.Post or place can never be claimed as a matter of right. The procedure for counseling is enumerated in the Government Orders.

3.The learned counsel appearing on behalf of the writ petitioner admits that the counseling was already held during the month of May, 2017. The petitioner would be able to participate and opt a particular post or place since, there was no vacancy, during the relevant point of time. Under these circumstances, the writ petitioner cannot file a writ petition seeking second counseling which is not contemplated under the Government Order.

4.The Government Order issued in respect of counseling is a facility provided to the Government employees. Such a facility can never be claimed as a matter of legal right. Further, counseling is not a part of service condition and it is just an opportunity provided to the employees to choose a place or post, if any vacancy arises. Thus, the direction as such sought for in this writ petition to conduct the second counseling cannot be entertained, as the same cannot be construed as a legal right for the purpose of securing a particular post or post. In this view of the matter no further adjudication is required in respect of the grounds raised in this writ petition.

5.Accordingly, the writ petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS II)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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To

1.The Director of Tamil Nadu
Elementary Education,
Elementary Education Office,
DPI Compound,
Nungambakkam,
Chennai - 600 006.

2.District Elementary Education Officer,
Collectorate Building,
Salem - 636 001.

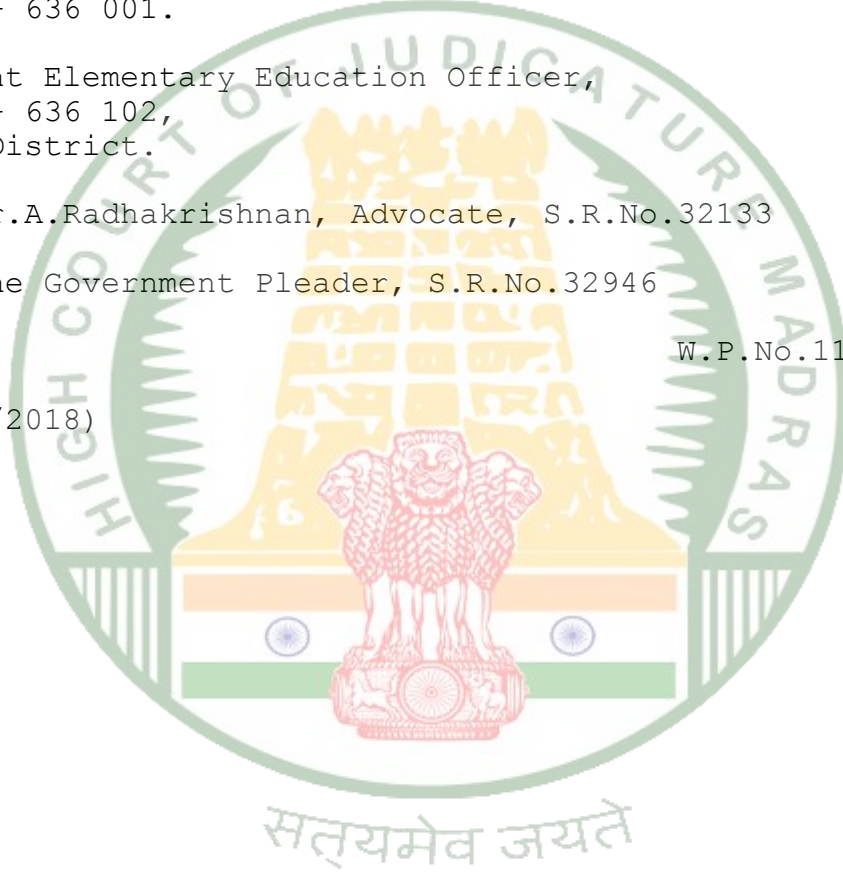
3.Assistant Elementary Education Officer,
Attur - 636 102,
Salem District.

+1cc to Mr.A.Radhakrishnan, Advocate, S.R.No.32133

+1cc to the Government Pleader, S.R.No.32946

W.P.No.11003 of 2018

RRK(04/05/2018)



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