

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12-06-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12590 of 2017

P.Arun

... Petitioner

Versus

The Government of Tamil Nadu,
Represented by its Home Secretary,
Home Department,
Secretariat,
Fort St. George,
Kamarajar Salai,
Chennai-600 009.

... Respondent

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to call for certificate verification and interview of the petitioner in selection of Office Assistant (OA) post notified in Notification/Advertisement No.1 of 2016 issued by the respondent dated 2.3.2016 and the supplement notification dated 20.7.2016.

For Petitioner : Mr.R.Radha Pandian

For Respondent : Mr.M.Elumalai,
Government Advocate.

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to call for the certificate verification and interview for appointment to the post of Office Assistant pursuant to the notification/Advertisement No.1/2016 issued by the respondent on 2.3.2016.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner has completed his IX Standard and accordingly, submitted an application for

recruitment to the post of Office Assistant. Pursuant to the notification issued by the respondent in Advertisement No.1 of 2016, the writ petitioner was called for certificate verification and for interview on 2.5.2017 at 10.00 A.M., in the Office of the respondent with the requisite documents. The writ petitioner had appeared before the Interview Committee on 2.5.2017 and the interview was conducted. The writ petitioner secured 14 marks out of 20 marks and accordingly claims that he is eligible for certificate verification and for appointment. However, the writ petitioner was not called for certificate verification. Thus, he is constrained to move the present writ petition for a direction to call the writ petitioner for certificate verification.

3. The learned Government Advocate, appearing on behalf of the respondent, states that, no doubt, the writ petitioner had already participated in the process of selection for the recruitment to the post of Office Assistant, if the writ petitioner had not been selected by the Committee constituted for the purpose of recruitment. Since the writ petitioner is an unselected candidate, he cannot move a writ petition for a direction to call for certificate verification.

4. This Court is of an opinion that appointment can never be claimed as a matter of right. All appointments are to be made only in accordance with the recruitment rules in force. Equal opportunity in public employment is the constitutional mandate. All eligible candidates must be provided with an opportunity to participate in the process of selection in accordance with the rules in force. The authorities competent are empowered to follow the rules scrupulously. Thus, mere participation in the selection process will not confer any legal right for the writ petitioner to seek appointment or to call for certificate verification.

5. The process of selection can be challenged by a candidate if there is any irregularity, illegality, malpractices or corrupt activities. In the event of establishing anyone of the said legal grounds, a writ can be entertained under Article 226 of the Constitution of India. A mere participation of the candidate in the process of selection will not confer any right on him to move a writ petition.

6. In the present case on hand, there is no such allegation of malpractice or corrupt activities in the process of selection. In the absence of substantiating any such allegation, no writ can be entertained and this Court cannot issue any direction to call for the writ petitioner for certificate verification or to issue an appointment order. It is for the writ petitioner to participate in the selection process and get

selected on merits and in accordance with law.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn

To

The Home Secretary,
Government of Tamil Nadu,
Home Department,
Secretariat,
Fort St. George,
Kamarajar Salai,
Chennai-600 009.

+1cc to Mr.R.Radha Pandian, Advocate, S.R.No.36976

+1cc to the Government Pleader, S.R.No.37035

W.P.No.12590 of 2017

GSP(18/06/2018)



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