

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8229 of 2013

B.Lakshmi ... Petitioner

vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Block Development Officer,
Office of the Block Development Office,
Lathur Union,
Pavunjur, Cheyyur Taluk,
Kancheepuram District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the respondents to appoint the petitioner as Assistant Cook in Lathur Panchayat Union primary School, at Perumbakkam village, Cheyyur Taluk, Kancheepuram District, pursuance of interview letter issued by the 1st respondent vide his letter Na.Ka.No.10277/12/Sa.Oo.Ti/Po1/ dated 8/8/2012.

For Petitioner : M/s.A.Ramalingam
For Respondents : Mr.R.S.Selvam
Government Advocate for R1
Mr.R.Govindasamy for R2

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to appoint the petitioner as Assistant Cook in Lathur Panchayat Union primary School, at Perumbakkam village, Cheyyur Taluk, Kancheepuram District, pursuance of interview letter issued by the 1st respondent vide his letter Na.Ka.No.10277/12/Sa.Oo.Ti/Po1/ dated 8/8/2012.

2. The grievance of the writ petitioner is that the first respondent called for applications for appointment to the post of Noon Meal Organizer, Head Cook and Assistant Cook in the vacancies available in Lathur Panchayat Union primary School in proceeding dated 19.05.2016. The procedure for appointments and the guidelines were published by the respondents in the notification. The conditions stipulated in the notification was that, the candidates submitting applications should be the residents within 3 kms radius of the working place.

3. The writ petitioner claims that he is fully qualified as per the notification and accordingly he

submitted an application for appointment to the post of Assistant Cook. The first respondent through letter dated 08.08.2012 directed the writ petitioner to appear for an interview in the office of the second respondent on 23.08.2012. The petitioner had participated in the said interview with all relevant records and certificates as directed by the respondents. The writ petitioner claims that he is one of the eligible person who appeared in the interview and performed well, therefore he must be issued with an order of appointment.

4. It is not the case of the writ petitioner that there was a malpractice, illegality or corrupt activities in the process of selection. Even in such cases, the petitioner has to establish that the interview was not conducted in accordance with the procedure contemplated. The selected persons if any through illegal interview has not been impleaded as party respondent in the writ petition. Contrarily, the writ petitioner states that he is fully qualified and participated in the interview and therefore he must be appointed in the post of Assistant Cook.

5. Appointment can never to claimed as a matter of right. All appointments has to be made only in the recruitment rules in force. Equal opportunity in public employment is the Constitutional mandate. Mere participation of the candidate in the interview will not conferred any right on the candidate to claim appointment. A candidate who participated in the process of selection can challenge the same only if he is able to establish that the selection process was conducted in an illegal manner or there was a malpractice or corrupt activities. In the absence of substantiating any one of such legal ground, mere participation in the interview cannot be constituted the grounds to filed the writ petition seeking appointment of post Assistant Cook as per the notification.

6. Thus, the very claim deserves no consideration and accordingly the writ petition is dismissed. No Costs.

22.10.2018

Index : Yes

Internet: Yes

Speaking Order

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To

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Kancheepuram.

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S.M.SUBRAMANIAM.J
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