

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.10.2018

CORAM

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

W.P.No.9553 of 2013

M.Anbazhagan

..Petitioner

vs

1.The Director of Sugar,
EVR Periyar Building, Nandanam,
Chennai - 600 035.

2.The Special Officer,
Dharmapuri District Cooperative
Sugar Mills Ltd.,
Palacode, Dharmapuri District.

3.The District Employment Officer,
Dharmapuri- 636 701.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to redo the selection for appointment to the post of Sugarcane Assistant by calling the petitioner for interview and conducting a fresh interview.

For Petitioner : Mr.P.Rajendran

For Respondents: M/s.T.Girija, GA for R1

Mr.R.Gophinath for R2

Mr.A.Ansar for R3

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to redo the selection for appointment to the post of Sugarcane Assistant by calling the petitioner for interview and conducting a fresh interview.

2.The grievance of the writ petitioner is that his name was not even sponsored by the District Employment Exchange Officer for the purpose of appointment to the Post of Sugarcane

Assistant notified by the 2nd respondent.

3.The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner is fully qualified and eligible for appointment to the Post of Sugarcane Assistant in the Dharmapuri District Co-operative Sugar Mills Limited. The petitioner was waiting for his sponsorship from the 3rd respondent Employment office. However, his name was not sponsored and therefore, the petitioner was denied with an opportunity of participating in the interview.

4.The learned counsel appearing on behalf of the 2nd respondent made a submission that the name of the writ petitioner was not even sponsored by the District Employment office. The writ petitioner had not participated in the process of interview. Thus, the case of the writ petitioner cannot be considered for appointment to the Post of Sugarcane Assistant in the 2nd respondent / Sugar Mills Limited.

5.This Court is of an opinion that mere registration of the names in the Employment Exchange will not confer any legal right on the candidates to claim appointment or to sponsor his name. Sponsorship must be done by the Employment office in accordance with the registration seniority and by following the rule of reservation. If at all, any violation is found, then the petitioner has to establish the same by impleading all the necessary persons, whose names were sponsored in violation of the rules in force. In the absence of any such grounds, the case of the writ petitioner cannot be considered merely on the ground that he registered his name in the Employment Exchange and therefore, he is entitled to be sponsored for appointment to the Post of Sugarcane Assistant.

6.Registration of names in the Employment Exchange is a facility provided by the State. Mere registration will not confer any right for sponsorship. To maintain equality in providing public employment, such facilities are provided by the State. Thus, in the event of any illegality or malpractices or corrupt practises in sponsoring the names by the District Employment office, then the same must be established by the writ petitioner before this Court. In the absence of any such legal ground, this Court cannot interfere with the selection or appointment already made by the 2nd respondent based on the list of candidates sponsored by the 3rd respondent Employment office.

7.However, it is brought to the notice of this Court that the process of selection had already been completed and the persons selected, were appointed and now they are serving in the 2nd respondent / Sugar Mills Limited.

8.This being the factum of the case, the writ petitioner has not established any acceptable legal ground for the purpose of considering the relief as such sought for in the present writ petition. The writ petitioner has to participate in the open competitive process, if any notification is issued and this Court wishes him all the best for getting a public employment.

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

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Director of Sugar,
EVR Periyar Building, Nandanam,
Chennai - 600 035.

2.The Special Officer,
Dharmapuri District Cooperative
Sugar Mills Ltd.,
Palacode, Dharmapuri District.

3.The District Employment Officer,
Dharmapuri - 636 701.

+1cc to Mr.P.Rajendran, Advocate, S.R.No. 71972

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AK (CO)
GN(14/11/2018)

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