

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18050 of 2015

and

M.P.No.1 of 2015 & WMP.No.23482 of 2016

C.Sarath Petitioner

-vs-

1.The Secretary to Government,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Chief Educational Officer,
Tiruvallore,
Tiruvallore 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 respondents herein to consider the application bearing Register No.32105359 of the petitioner under the Tamil Medium Priority category by virtue of G.O.Ms.No.145 dated 30.09.2010 for the post of Lab Assistant in Department of School Education through direct recruitment.

For Petitioner :: Mr.S.Arokia Maniraj

For Respondents :: Mr.M.Elumalai
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to consider the application bearing Register No.32105359 of the petitioner under the Tamil Medium Priority category by virtue of G.O.Ms.No.145 dated 30.09.2010 for the post of Lab Assistant in Department of School Education through direct recruitment.

2.Appointment to a public post can never be claimed as a matter of right. All appointments are to be made only by following the recruitment rules in force. Participating in a recruitment process is a fundamental right of an eligible person. However, appointment can never be claimed as a matter of right. In the event of challenging the process of

recruitment, it is necessary to establish that the Competent Authorities have not followed the recruitment rules in force or in erring mal practices or corrupt activities crept in during the process of selection. In the absence of establishing any such grounds no writ can be entertained in respect of the claim of the candidates for appointment to a public post.

3.The grievances of the writ petitioner on hand is that his case has not been considered under the Tamil Medium Priority category in accordance with the G.O.Ms.No.145 dated 30.09.2010, for appointment to the post of Lab Assistant in Department of School Education through direct recruitment. It is needless to say that the rule of reservation and the orders in this regard are to be followed scrupulously by the recruitment authorities at the time of undertaking the process of recruitment.

4.Further, the writ petitioner has not established whether any unqualified person in a particular category was appointed or not? The sole claim of the writ petitioner is that his case has not been considered under the Tamil Medium Priority category. Even, the writ petitioner was failed to establish that the Government Order has not been followed by the authorities concerned at the time of undertaking the process of selection. In this regard, the writ petitioner has not questioned the appointment of any other selected persons during the recruitment year 2015.

5.This apart, there are large number of candidates studied in Tamil Medium and therefore, the same is to be considered by the Competent Authorities, while undertaking the process of selection to the post of Lab Assistant. However, the claim of the writ petitioner now after a lapse of three years cannot be considered and it is left open to the writ petitioner to participate in the ensuing recruitment process, if any, such recruitment is notified. Thus, the writ petitioner has not established any valid ground for the purpose of considering the relief as such sought for in this writ petition.

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

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Chief Educational Officer,
Tiruvallore,
Tiruvallore District.

+1 CC to The Govt. Pleader sr 35064.

W.P.No.18050 of 2015

GMI (CO)
SP(18/06/2018)



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