

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.06.2018

CORAM

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

W.P.No.18363 of 2015

and

M.P.No.1 of 2015

P.Ananthakumar

..Petitioner

Vs.

1.Zonal Recruiting Officer,
Headquarters Recruiting Zone,
(AP,TN,UT of Pcy & AN Gp of Is)
Chennai - 600 009.

2.Army Recruiting Officer,
Redfiled, Coimbatore,
Coimbatore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to select the petitioner as Soldier (General Duty) for the Indian Army Open Bharti Recruitment Rally 2014 and confer all the consequential benefits.

For Petitioner : Mr.A.Gopinath

For Respondents : Mr.S.Namo Narayanan for R1 to R2

सत्यमेव जयते
O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to select the petitioner as Soldier (General Duty) for the Indian Army Open Bharti Recruitment Rally 2014 and confer all the consequential benefits.

2.This Court is of an opinion that the relief sought for in this writ petition is absolutely mis-conceived. Appointment can never be claimed as a matter of right. All appointments to public services are to be done only in accordance with the recruitment rules in force. The competent authorities are bound

to follow the procedures contemplated under the Rules. Equal opportunity in public appointment is a Constitutional mandate. All eligible persons are to be provided with an opportunity to participate in the process of selection. Participation in the selection process is a right of a candidate, if he is otherwise qualified in accordance with the rules in force. Thus, no writ petition can be entertained with a prayer seeking appointment in the absence of any illegality or irregularity in the process of selection. Any process of selection can be questioned, if there is any irregularity, malpractice or corrupt activities. In the absence of any such substantial ground in this regard, no writ petition can be entertained in respect of the challenge of selection.

3. However, in the present writ petition on hand, the very relief sought for is to direct the respondents to select the petitioner as Soldier. Such a selection cannot be done by this Court under Article 226 of the Constitution of India and it is left open to the writ petitioner to participate in the selection process and secure employment as per the recruitment rules in force. The writ petitioner is a young person, who has to work hard for securing public employment. Contrarily, he cannot move the Court for the purpose of securing employment. Such a practice cannot be encouraged by the Courts. The young minds have to work hard for the purpose of securing public employment in accordance with the procedures contemplated. This Court wishes the writ petitioner for his bright future.

4. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS V)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

gsp/kak

To

1. Zonal Recruiting Officer,
Headquarters Recruiting Zone,
(AP, TN, UT of Pcy & AN Gp of Is)
Chennai - 600 009.

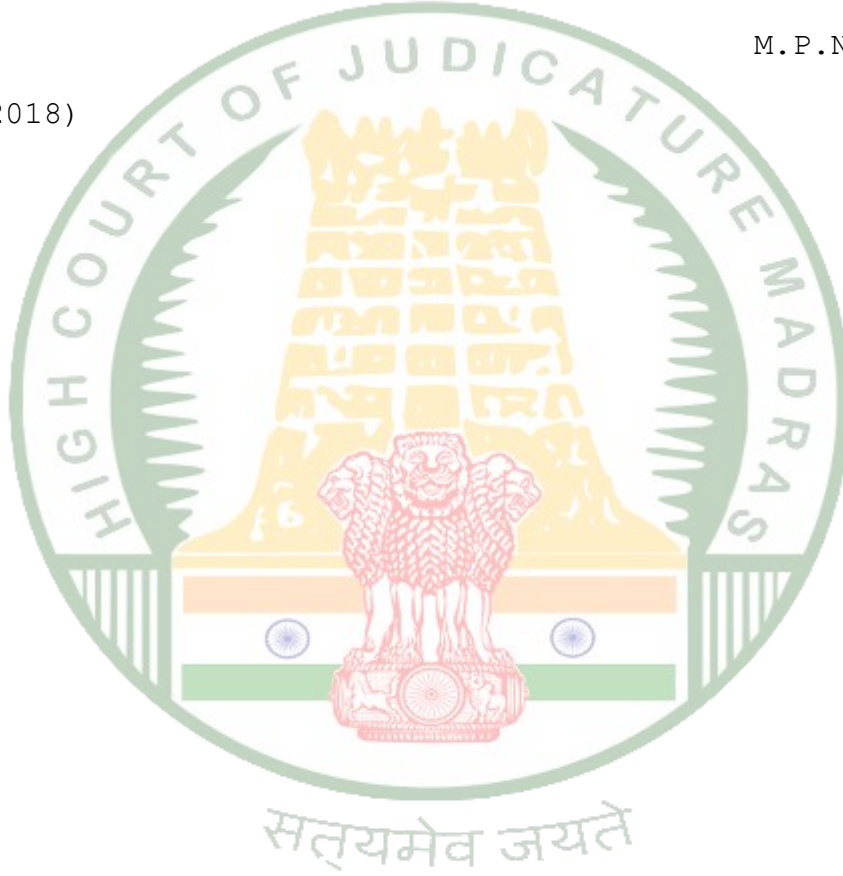
2.Army Recruiting Officer,
Redfiled, Coimbatore,
Coimbatore District.

+1cc to Mr.Namo Narayanan, Advocate SR.No.34876

+1cc to Mr.A.Gopinath, Advocate SR.No.35639(21/06/2018)

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and
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GN(11/06/2018)



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