

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.11992 of 2018

D.Manikandan

... Petitioner

Vs.

1.The District Collector
Collectorate
Nagapattinam District.

2.The Tahsildar
Taluk Office
Thirukkuvalai Taluk
Nagapattinam District.

Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider representations dated 22.08.2016 and 2304.2018 and to give preference to petitioner to give the appointment of Village Assistant.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

सत्यमेव जयते

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to consider representations dated 22.08.2016 and 2304.2018 and to give preference to petitioner to give the appointment of Village Assistant.

2.Appointment can never be claimed as a matter of right. All public appointments are to be made only by following the recruitment rules in force. Equal opportunity in public employment is a constitutional mandate and there cannot be any discrimination by the competent authorities. Thus, the

constitutional perspectives require that the authorities competent act in a fair and reasonable manner, so as to complete the selection in accordance with the constitutional mandates. The fair and reasonable procedures are the inherent ingredients of the constitution. Thus, it is not as if the qualified persons submitted an application and filed a writ petition seeking direction to consider the representation. Such direction sought for in the nature of representation can never be entertained under Article 226 of the constitution of India. Therefore, this Court is of an opinion that the equality clause as enshrined under the Constitution of India in respect of providing equal opportunity to all the eligible candidates, who are aspiring for public employments, are to be followed scrupulously. There cannot be any violation of recruitment rules in respect of appointments in public service. Lakhs and lakhs of youths of our great nation are burning through mid-night lamps for securing public employment by putting their hard effort.

3. Under these circumstances, the State as a model employer is duty bound to provide equal opportunity in its real sense and there can never be any discrimination. All recruitment process are to be conducted as per the rules and by following the rules of reservation as applicable. This being the legal principle to be followed by the appointment authorities or the competent authorities, this court is of an opinion that the relief as such sought for in this writ petition cannot be granted. No writ in the nature of recommendation can never be issued by the High Courts.

4. Thus, the writ petitioner has not even established even a semblance of legal rights so as to consider the representations dated 22.08.2016 and 23.04.2018 and to give preference to petitioner to give the appointment of Village Assistant.

5. Accordingly, the writ petition stands dismissed. However, there is no order as to costs.

Sd/-

Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

maya
To

1. The District Collector
Collectorate, Nagapattinam District.

2. The Tahsildar
Taluk Office
Thirukkuvalai Taluk.

+1cc to Mr.P.Vijendran, Advocate, S.R.No.33567
+1cc to the Government Pleader, S.R.No.33512

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SG(CO)
CS/18/05/18



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