

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.27117 of 2014 and
M.P.No.1 of 2014

M.Chinnadurai

... Petitioner

Vs

1.The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.

2.The Chairman,
The Teacher Recruitment Board,
4th Floor E.V.K. Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the petitioner for selection and appointment to the post of Assistant Professor in Mathematics under Physically Handicapped Quota in the PH vacancies notified for current vacancies as per the Prospectus/Notification issued by the 2nd respondent for direct recruitment of Assistant Professors in Tamil Nadu Collegiate Education Services 2012, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.K.Karthikeyan
Government Advocate for R1

: Mr.C.Munusamy
Special Government Pleader (Education)
for R2

O R D E R

The relief sought for in this writ petition is a direction to direct the respondents to consider the petitioner for selection and appointment to the post of Assistant Professor in Mathematics under Physically Handicapped Quota in the PH vacancies, notified for current vacancies, as per the Prospectus/Notification issued by the 2nd respondent, for direct recruitment of Assistant Professors in Tamil Nadu Collegiate Education Services 2012, within a time frame to be fixed by this Court.

2. The submissions made by the writ petitioner is that he is a differently abled person and the quota fixed for differently abled persons have not been properly filled up by the respondents, while undertaking the process of selection to the post of Assistant Professor in Mathematics for Collegiate Education Services.

3. The petitioner claims that he has passed M.Sc. (Mathematics) in the year 2009 and B.Ed. in the year 2010. Subsequently, he has passed the State Eligibility Test (SET) in the year 2012 and therefore, he is fully qualified for appointment to the post of Assistant Professor in Collegiate Education Services.

4. This Court is of an opinion that even in case of violation of the rules of reservation, more specifically, for differently abled persons, if any, committed on the part of the respondents, the petitioner has to clearly establish that the said quota has not been filled up in accordance with the notification issued, and he cannot simply say that an order of direction should be issued to select him for appointment to the post of Assistant Professors in Collegiate Education Services, under the quota of differently abled persons. Except seeking such a prayer, the writ petitioner has not established any acceptable legal grounds for interfering in the process of selection, done in the year 2012.

5. Appointment can never be claimed as a matter of right. All appointments are to be made only under the constitutional schemes and by following the recruitment rules in force. Equal opportunity to all eligible persons to get public employment, is a constitutional mandate. All eligible persons must be provided with equal opportunities to participate in the process of selection. The authorities competent, while undertaking the process of selection, have to follow the rules in force, strictly and scrupulously. Even, mere participation in the process of selection will not confer any right on the candidates to seek an order of appointment. The authorities competent are

empowered to cancel even the selection process, if there is any valid reason. The process of selection by the competent authorities can be challenged, only if the candidate is able to establish that there is malpractice, illegality or any corruption activities. Thus, the candidates who have participated in the process of selection, cannot claim appointment as a matter of right, this being the principle settled by the constitutional Courts across the country.

6. This Court is of an opinion that the present writ petition, seeking an order of direction to consider the petitioner for appointment to the post of Assistant Professor in Collegiate Education Services, under the quota of differently abled persons, without establishing any acceptable legal grounds for the same, deserves no merit consideration.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.

2.The Chairman,
The Teacher Recruitment Board,
4th Floor E.V.K. Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.

+1 cc to the Government Pleader High Court sr65850

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