

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13-07-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10516 of 2013

And

M.P.No.1 of 2013

K.Balakumar .. Petitioner

Versus

- 1.The Secretary to Government of Tamil Nadu,
The Department of Transport,
St. George Fort,
Chennai.
- 2.The Executive Director,
Tamil Nadu Transport Corporation (Kumbakonam)
Limited,
Kumbakonam.
- 3.The General Manager,
Tamil Nadu Transport Corporation (Kumbakonam)
Limited,
Trichy Zone,
Tiruchirappalli - 620 001. .. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to consider the petitioner for the recruitment to the post of Junior Technician in Tamil Nadu State Transport Corporation (Kumbakonam), Trichy Zone.

For Petitioner : Ms.R.Archana for
Mr.V.Subramanian

For Respondent-1 : Ms.A.Sri Jayanthi,
Special Government Pleader.

For Respondents-2&3 : Mr.D.Venkatachalam

O R D E R

The relief sought for in this writ petition is for a direction to direct the third respondent to consider the petitioner for recruitment to the post of Junior Technician in

Tamil Nadu Transport Corporation (Kumbakonam) Ltd., Trichy Zone, Tiruchirappalli.

2. The learned counsel, appearing on behalf of the writ petitioner, made a submission that the writ petitioner joined as apprenticeship training in the Tamil Nadu State Transport Corporation (Kumbakonam), Trichy and he participated in the interview conducted by the third respondent for appointment to the post of Junior Technician.

3. The grievance of the writ petitioner is that he was not selected and appointed in spite of the fact that he had participated in the process of interview. In this regard, the writ petitioner submitted a representation to all the respondents on 29.3.2013. Thus, the writ petitioner is constrained to move the present writ petition for directing the respondents to appoint him as Junior Technician.

4. Appointment can never be claimed as a matter of legal right. All appointments are to be made only by following the recruitment rules in force. Equal opportunity in public employment is a constitutional mandate. The authorities competent are bound to follow the recruitment rules scrupulously, including the rule of reservation. A mere participation in the interview will not confer any right on the writ petitioner to claim appointment by way of filing a writ petition.

5. Thus, it is left open to the writ petitioner to participate in the process of selection and get himself selected. Contrarily, he cannot submit a representation and file a writ petition to direct the respondents to consider his representation, so as to secure the public employment. The very idea of filing the present writ petition is not maintainable and this Court cannot grant any relief, as such, and in the absence of establishing any legal right. Undoubtedly, the writ petitioner has not established even a semblance of legal rights, so as to consider the present writ petition.

6. Accordingly, the writ petition is devoid of merits and it stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Secretary to Government of Tamil Nadu,
The Department of Transport,
St. George Fort,
Chennai.

2.The Executive Director,
Tamil Nadu Transport Corporation (Kumbakonam)
Limited,
Kumbakonam.

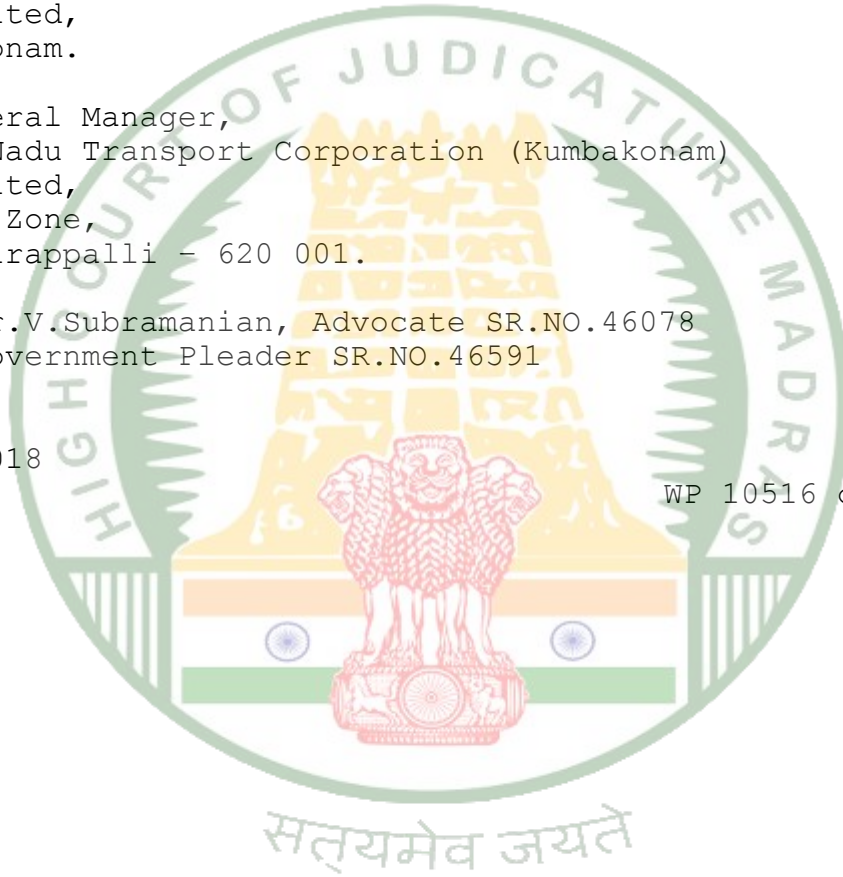
3.The General Manager,
Tamil Nadu Transport Corporation (Kumbakonam)
Limited,
Trichy Zone,
Tiruchirappalli - 620 001.

+1cc to Mr.V.Subramanian, Advocate SR.NO.46078

+1cc to Government Pleader SR.NO.46591

BR(CO)
sm:20.8.2018

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