

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

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

W.P.No.12101 of 2013

and M.P.No.1 of 2013

S.K. Mohanraj

.. Petitioner

vs

1. Tamilnadu State Transport Corporation Limited
represented by its Managing Director
Coimbatore -1.

2. The General Manager
Tamilnadu State Transport Corporation
limited
Chennimalai Road
Erode.

3. The District Employment officer
Erode District
Erode.

4. The secretary to Government
Transport Department
Government of Tamilnadu
Fort St. George
Chennai 600 009

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to sponsor the name of the petitioner with his registration No. ERD 1993M00010422 dated 11.11.1993 to the first and second respondents so as to conduct interview for the post of Motor Mechanic along with others and also further directing the first and second respondent to appoint the petitioner as Motor Mechanic in pursuance to the Interview conducted by the respondents 1&2

For Petitioner

: M/S.V. Chinnasamy

For Respondents 1&2

: Mr. P. Kannan kumar

For Respondents 3&4

: Mr.D. Raghu,GA.

O R D E R

The relief sought for in this writ petition is for a direction to direct the third respondent to sponsor the name of the petitioner to the first and second respondents and to conduct interview for the post of Motor Mechanic and also to direct the respondents to appoint the petitioner as Motor Mechanic pursuant to the interview conducted by them.

2 The relief sought for in this writ petition is innocuous. The writ petitioner completed his Higher Secondary Course in the year 1991 and possessed the National Trade Certificate in the trade of Mechanic [Motor vehicle] in July 1993 and thereafter, the petitioner got National apprenticeship certificate from the respondent/Transport Corporation in the month of May 1997. Accordingly, he has registered his name in the Employment Exchange on 11.11.1993. The grievances of the writ petitioner is that he was not even once sponsored for an appointment to the post of Motor Mechanic. Thus, the petitioner is constrained to move the present writ petition.

3. The learned counsel for the respondents made a submission that the writ petitioner has to participate in the selection process for the purpose of securing an employment but the name of the writ petitioner even as per the affidavit, was not even sponsored by the Employment Exchange. Therefore, the respondent cannot issue any appointment to the writ petitioner.

5 This court is of an opinion that appointment can never be claimed as a matter of right. All the public appointments are to be made only in accordance with the recruitment rules in force. The authorities are bound to follow the rules scrupulously by providing equal opportunity to the eligible candidates even to participate in the process of selection. Principles of equal opportunity enshrined under the Constitution can never be allowed to be diluted by the authorities competent while undertaking the process of selection for public posts.

6 A mere registration of the name in the Employment Exchange will not confer a right to the candidate for appointment and the writ petitioner has to participate in the process of selection in accordance with the procedures contemplated. Registering the name in the Employment Exchange is the facilities provided by the state in order to provide equal opportunity to all those similarly placed persons. Thus such a facility provided by the state can never be construed as a legal right, so that to provide public appointment to the candidates, who registered the name in the Employment Exchange. This being the principles to be followed, the claim of the writ

petitioner to sponsor his name cannot be considered at all. Sponsoring of the names shall be done by the competent authority only in accordance with the seniority or following the rule of reservation. Whenever the turn comes the petitioner can get the opportunity. However, even as pleaded before this Court, the petitioner is over aged now.

7 These aspects cannot be considered by this court as sponsoring the name is not a legal right at all. This being the facility provided by the state, the writ petitioner cannot claim that he is over aged, therefore, his name has to be sponsored by relaxing the upper age limit.

8 In this circumstances, this court is of an undoubted opinion that the petitioner has not established any semblance of right so as to consider the relief sought for in this writ petition. The writ petition is devoid of merits and stands dismissed. No costs. Consequently, the connected Miscellaneous petition is also closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director
Tamilnadu State Transport
Corporation Limited
Coimbatore -1.
2. The General Manager
Tamilnadu State Transport Corporation
limited
Chennimalai Road
Erode.
3. The District Employment officer
Erode District
Erode.
4. The secretary to Government
Transport Department
Government of Tamilnadu
Fort St. George
Chennai 600 009

+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.50897

+1cc to the Government Pleader, S.R.No.51323

W.P.No. 12101 of 2013
and M.P.No. 1 of 2013

GSP(10/08/2018)



WEB COPY