

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :05.10.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No. 11444 of 2014

1.K.Ravichandran
2.N.Balou
3.S.Martin ... Petitioners
Vs

1.The State of Tamil Nadu,
rep.by its Secretary to Government,
Public (EX-Service Man) Department,
Fort ST.George,
Chennai-9.

2.The Joint Director,
Directorate of Ex-Service men,
No.22, Raja Muthiah Salai, Chennai.

3.The Chairman,
Teachers Recruitment Board,
College Road, Chennai.

4.The Principal Secretary,
School of Education Department,
Fort. ST.George, Chennai-9. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents herein to give preference and weightage of marks to the petitioners in respect of the category for Ex-Service Men for appointment to the post of Teachers pursuant to the Teacher eligibility Test conducted in August 2013.

For Petitioners : Mr.A.L.Gandhimathi

For Respondents : Mrs.A.Shrijayanthi
Special Government Pleader for R1 & R2
Mr.K.Karthikeyan
Government Advocate for R3 & R4

O R D E R

The relief sought for in this writ petition is for a direction directing the Respondents herein to give preference and weightage of marks to the petitioners in respect of the category for Ex-Service Men for appointment to the post of Teachers pursuant to the Teacher eligibility Test conducted in August 2013.

2. The writ petitioners is the Ex-service man and participated in the process of selection for recruitment to the post of Secondary Grade Teacher.
3. The grievances of the writ petitioners are that weightage marks already given for the ex-servicemen in the earlier selection process were not extended, in respect of the selection in which the writ petitioners had participated.
4. The learned counsel appearing for the petitioners states that the 2nd respondent had extended benefit of weightage mark in respect of all other ex-servicemen candidates who appeared in earlier selection process and therefore, the same benefit ought to have been extended to the writ petitioner also. Thus, the direction as such sought for is to be considered.
5. The learned Government Advocate appearing on behalf of the respondents states with reference to the notification under which the writ petitioner had appeared, no such weightage mark has been stipulated and therefore, the writ petitioners are not entitled for appointment. The writ petitioners had participated in the process of selection and they are not within the zone of consideration and therefore, they have not considered for appointment to the said post. This being the factum of the case, the writ petitioners cannot seek appointment based on the mere participation in the process of selection.
6. Appointment can never be claimed as a matter of right. All appointments are to be made only under the Constitutional scheme and by following the recruitment rules in force. Equal opportunity in public employment is a constitutional mandate. The authorities while undertaking the process of selection is bound to follow the recruitment rules in force strictly and scrupulously without any scope.
7. This being the principles to be followed, mere participation in the process of selection will not confer any right on the candidates to seek appointment. Admittedly, the writ petitioners had participated in the process of selection. It is admitted by the authorities to the lis on hand that no such rule of granting weightage mark has been contemplated in the recruitment notification issued by the respondents. In respect of any such concession granted under the notification, the same cannot be claimed by the writ petitioner, after participating in the process of selection. If at all, the selection notification was issued without following the procedures contemplated, the writ petitioners ought to have challenged the notification itself. Admittedly, no such exercise has been done by the writ petitioners. Now after their participation in the selection process, they cannot challenge the conditions stipulated in the notification for the purpose of getting appointment.
8. This being the principles to be followed, this Court is of an opinion that the writ petitioners have not established any legal right so as to consider the relief as such sought for in the present writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.10.2018

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Internet:Yes/No

Index : Yes/No

Speaking/Non speaking order

To

1.The Secretary to Government,
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2.The Joint Director,
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3.The Chairman,
Teachers Recruitment Board,
College Road, Chennai.

4.The Principal Secretary,
School of Education Department,
Fort. ST.George, Chennai-9.

S.M.SUBRAMANIAM, J.
sk

W.P.No.11444 of 2014

05.10.2018