

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.10.2018

CORAM

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

W.P.No.12678 of 2017

N.Murugan

...Petitioner

Vs

- 1.The Commissioner of Sugar
No.690, Anna Salai, Nandanam, Chennai-35.
- 2.The Managing Director
Tiruppathur Co-operative Sugar Mills Ltd
Kethandapatti-635 815, Vellore District.
- 3.The Managing Director,
Kallakurichi II Co-operative Sugar Mills Ltd
Chinna Salem Taluk,
Villupuram District- 606 207. ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, Directing the respondents 1 and 2 to consider the petitioner representation dated 8.5.2017 and pass orders on merits appointing the petitioner as Lab Chemist (Seasonal) in Tiruppathur Co-op. Sugar Mills Ltd.

For Petitioner : Mr.J.Muthukumaran

For Respondents:Mrs.T.Girija, Government Advocate
(Co-operative) for R1 & R2

Mr.R.Gopinath for R3

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents 1 and 2 to consider the petitioner's representation dated 08.05.2017 and pass orders and appointing the petitioner as Lab Chemist (Seasonal) in Tiruppathur Co-operative Sugar Mills Ltd.

2. The petitioner claims that he has passed SSLC public examination in March 1987 and Higher Secondary Course in March 1989. The petitioner completed the course of training at Government Industrial Training

Institute, Chengalpattu from August 1989 to July 1991 and passed the prescribed Trade Test of Wireman in July 1991. The writ petitioner was issued with the National Trade Certificate. The petitioner has completed apprenticeship Training and accordingly, registered his name in the District Employment Exchange, Villupuram. His name was sponsored for the post of Wireman in Kallakurichi II Co-Operative Sugar Mills Ltd, Kacharapalayam, Chinna Salem Taluk, Villupuram District and he joined duty in the said post of Wireman on 10.04.1998. After joining duty, the respondent Management has provided implant training to the writ petitioner and deputed him to study Post Graduate Diploma Course in Sugar Technology in Vasantdalu Sugar Institute, Pune and passed the prescribed examination in First class in January 2012. Meanwhile, the petitioner passed B.Sc (Applied Chemistry) Degree Course in December 2008 through Annamalai University. The petitioner claims that since he passed with the Technical Course, he is entitled for appointment to the post of Lab Chemist (Seasonal). His name was not considered for appointment to the post of Lab Chemist (Seasonal) in accordance with G.O.Ms.No.172, Higher Educational (K2) Department, dated 30.09.2014. In this regard, the petitioner has submitted the representation to the respondents on 08.05.2017 and the same has not been considered at all.

3. This Court is of an opinion that the appointment can never be claimed as a matter of right. All appointments / promotions are to be made only in accordance with the rules in force. Equal opportunity in public employment is a constitutional mandate. The competent authority while undertaking the process of selection has to follow the recruitment rules strictly and scrupulously. Mere possession of an educational qualification by a candidate will not provide him the right to claim higher post. All such appointments to the post of Lab Chemist (Seasonal) are to be made by strictly following the rules in force and by providing equal opportunity to all the eligible and qualified persons, who are all aspiring to secure the said post. The petitioner claims that he has possessed all the requisite qualifications for appointment to the post of Lab Chemist (Seasonal). Therefore, his case ought to have been considered by the respondents. Such a stale claim cannot be entertained by the Courts, in the absence of establishing any evidence to show that the claim of the writ petitioner was not considered with reference to the rules in force.

4. Under these circumstances, this Court is of an opinion that the mere submission of the representation by the writ petitioner will not provide any right to him to claim appointment to the post of Lab Chemist (Seasonal). Whenever, notification of recruitment is issued by the competent authority, the writ petitioner has to participate in the process of selection for securing appointment for the post of Lab Chemist (Seasonal), in accordance with the rules and through open competitive process.

5. This being the principles to be followed, this Court has not established even a semblance of legal right, so as to consider the relief as such sought for in the present writ petition.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(Ccc)

//True Copy//

Sub Assistant Registrar

sk
To

1.The Commissioner of Sugar
No.690, Anna Salai, Nandanam, Chennai-35.

2.The Managing Director
Tiruppathur Co-operative Sugar Mills Ltd
Kethandapatti-635 815, Vellore District.

3.The Managing Director,
Kallakurichi II Co-operative Sugar Mills Ltd
Chinna Salem Taluk,
Villupuram District- 606 207.

+1 CC TO GOVERNMENT PLEADER SR.NO. 74885
W.P.No.12678 of 2017

ASK(30/11/2018)