



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM:

WEB COPY

**THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN**

W.P. (MD) No. 18858 of 2018

C. Palanimurugan

... Petitioner

Vs.

1. The District Collector,  
Virudhunagar District,  
Virudhunagar.

2. The District Employment Officer,  
Virudhunagar District,  
Virudhunagar.

... Respondents

**PRAYER:** Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to issue necessary direction to the 2<sup>nd</sup> respondent to recommend the petitioner's name on seniority on registration basis to the post of Panchayat Clerk in Vatchakarapatti Panchayat and the village Assistant Post Kottanatham village Panchayat of based on his representation, dated 03.06.2017 made to the 1<sup>st</sup> respondent.

For Petitioner : Mr. K. Kannan

For Respondents : Mr. S. Dhayalan  
Govt. Advocate

### **O R D E R**

The petitioner has come forward with the present Writ Petition for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent to issue necessary direction to the 2<sup>nd</sup> respondent to recommend the petitioner's name on seniority, on registration basis, to the post of Panchayat Clerk in Vatchakarapatti Panchayat, based on his representation, dated 03.06.2017 made to the 1<sup>st</sup> respondent.

2. The case of the petitioner is that he failed in 11<sup>th</sup> Standard and he registered his name in the Employment Exchange. According to him, he reached sufficient seniority in the list maintained by the Employment Exchange and that the name of the petitioner has not been recommended for employment and that the post of Panchayat



Clerk is kept vacant in Vatchakarapatti Panchayat. The post of village assistant is also kept vacant in Kottanatham Village Panchayat. According to him, the 2<sup>nd</sup> respondent should have recommended his name for the aforesaid post.

3. Merely because the petitioner has registered his name in the Employment Exchange it does not mean that he should be recommended for employment. The Hon'ble Supreme Court in the Excise Superintendent, Malkapatnam, Krishna District, Andhra Pradesh Vs. KBN Visweswara Rao & Others reported in (1996 (3) SCC 216), held that through the Employment Exchange is not only the method of recruitment, but there should be sufficient publicity enable those interested in applying for the vacancies to make an application, for the purpose of inducting people. Merely because there is a vacancy it does not mean that the petitioner's name should be recommended. Unless otherwise, there is selection process, the petitioner cannot demand as a matter of right that he should be provided with employment and his name should be recommended. If there is any advertisement and if the petitioner fulfils the qualification, it is open to him to make an application. The relief sought for by the petitioner cannot be granted.

4. In the result, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(ADI)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The District Collector,  
Virudhunagar District,  
Virudhunagar.

2.The District Employment Officer,  
Virudhunagar District,  
Virudhunagar.

+1cc to Mr.K.Kannan Advocate in SR.No.81144

+1cc to Special Government Pleader Advocate in SR.No.81487

W.P. (MD) No.18858 of 2018  
30.08.2018

MPK

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