



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2018

CORAM

WEB COPY

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

W.P.(MD) No.17341 of 2013
and
M.P(MD)No.1 of 2013

Murugeswari

... Petitioner

-vs-

1. The Director of Public Libraries,
Chennai-2.

2. The District Librarian,
Office of the District Library,
Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to appoint the Petitioner to any one of the unfilled six posts sanctioned by the first respondent by his proceedings dated 09.11.2011.

For Petitioner : M/s.V.Perumal
For Respondents : Mr.R.Sethuraman
Special Government Pleader

O R D E R

The relief sought for in this Writ Petition is to direct the respondents to appoint the Petitioner to any one of the unfilled six posts sanctioned by the first respondent by his proceedings dated 09.11.2011.

2.The learned counsel for the Writ Petitioner states that the Writ Petitioner had participated in the process of selection, not selected for appointment to the post of Village Librarian. However, the contention of the Petitioner is that the first set of selection were made and certain candidates were selected and six posts were kept vacant. Since six posts were kept vacant, the Petitioner cannot claim any right to appoint him to any one of the unfilled six posts. All appointments are to be made only by following the recruitment rules in force. Mere participation in selection process, will not confer any right for appointment. The unfilled posts as per the Writ Petitioner, is of the year 2013.Thereafter, the recruitment to the post of Village Librarian underwent changes.

3.The learned Special Government Pleader appearing for the respondents states that during the pendency of the Writ Petition, five more posts were filled up. The Writ Petitioner has to undergo the selection process. Every public employment is to be made by open



competitive process and on the fact that the post is vacant, the Petitioner cannot make any claim for appointment to the said post. This being the legal principles to be followed, the direction as such sought for in this Writ Petition cannot be granted.

4. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Public Libraries,
Chennai-2.
2. The District Librarian,
Office of the District Library,
Virudhunagar.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 52019
+ 1 CC TO Mr.V.PERUMAL, ADVOCATE IN SR No. 51791

VSN

TE/CVC/SAR-2 : 09/03/2018 : 2P/5C

W.P(MD) No.17341 of 2013 and
M.P(MD)No.1 of 2013
27.02.2018