



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD)No.859 of 2011

WEB COPY

Dr.M.Bagavan

... Petitioner

Vs.

1. State of Tamil Nadu,
represented by Secretary to Government,
Rural Development and
Panchayat Raj Department,
Secretariat, Chennai - 9.

2. The Commissioner,
Rural Development and
Panchayat Raj Department,
Panagal Building,
Saidapet,
Chennai - 5.

3. The Principal Secretary / Commissioner,
Indian Medicine and Homeopathy,
Chennai.

4. The District Collector,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd Respondent in his proceedings in O.Mu.No.13577/TV2/2010 dated 21-10-2010, quash the same and consequently direct the 3rd Respondent to consider the Petitioner for appointment to the post of Part Time Rural Medical Officer in the Okkur Village Dispensary in Sivagangai Panchayat Union in the existing vacancy as per G.O.Ms.No.164/2007, dated 24-09-2007.

For Petitioner : Mrs.P.Kalaiyarasi Bharathi

For Respondents : Mr.M.Muthu

Additional Government Pleader

O R D E R

The order of rejection of the claim of the writ petitioner for appointment to the post of Part Time Rural Medical Officer (Siddha) is under challenge in this writ petition.



2.The order impugned states that the writ petitioner has not completed and not possessed the recognized 5½ years degree course of BSMS. Therefore, the writ petitioner is not even qualify for appointment to the post of Rural Medical Officer (Siddha).

3.The grievance of the writ petitioner is that the father of the writ petitioner is a hereditary Siddha Medical Practitioners and retired from service from the Okkur Village Dispensary of the Sivagangai District. The writ petitioner claims that he acquired a certificate from the Siddha Academy, Madurai and qualified for appointment to the post of Siddha Medical Practitioners in Panchayat. However, his representation in this regard was rejected stating that the writ petitioner is not qualified for appointment to the post of Siddha Medical Practitioners. Since the writ petitioner had not acquired the requisite educational qualification of degree of BSMS and the relief as such sought for in this writ petition is absolutely misconceived.

4.Appointments can never be claimed as a matter of right. Mere submission of representation cannot be a ground for filing the present writ petition or seeking for appointment to the post of Siddha Medical Practitioners. There cannot be any claim for hereditary appointment on the ground that the father of the writ petitioner was serving as Siddha Medical Practitioners. All appointments are to be made only by following the recruitment rules in force and providing equal opportunity to all the eligible candidates. The procedures of selection are to be followed by the competent authorities, while undertaking the process of recruitment to the post of Rural Medical Officer (Siddha). Thus, the very claim of the writ petitioner cannot be considered and even a writ petition in this regard cannot be entertained under Article 226 of the Constitution of India.

5.At the outset, the writ petitioner has not even established any semblance of legal right, so as to consider the claim for grant of relief as such sought for in this writ petition. It is left open to the writ petitioner to participate in the open competitive process for the purpose of securing public employment in accordance with the rules in force.

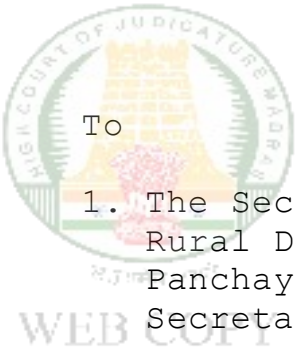
6.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary to Government,
Rural Development and
Panchayat Raj Department,
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2. The Commissioner,
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3. The Principal Secretary / Commissioner,
Indian Medicine and Homeopathy,
Chennai.
4. The District Collector,
Sivagangai District.

+1cc to Mrs.P.Kalaiyarasi Bharathi, Advocate Sr.No.56228
+1cc to Spl.Government Pleader Sr.No.56944

MM

VB/JC/SAR4/03/04/2018/3P/7C

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