



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P(MD)No.4835 of 2013

S.Ravi

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Secretary to Government,
Labour and Employment Department,
Fort St.George,
Chennai.

2.The Commissioner of Employment and Training,
Department of Employment and Training,
Chepauk,
Chennai - 5.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to appoint the petitioner in the post Junior Training Officer (Drawing).

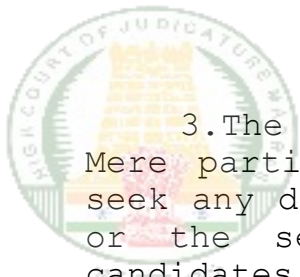
For Petitioner : Mr.T.Selvan

For Respondents : Mr.R.Sethuraman
Special Government Pleader

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to appoint the petitioner in the post Junior Training Officer (Drawing).

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner had completed I.T.I. (Fitter), and Diploma in Mechanical Engineering Course. He registered his name in the District Employment Office, Tirunelveli and thereafter, his name was sponsored for appointment to the post of Junior Training Officer (Drawing). The writ petitioner participated in the interview and his certificates were verified. Under these pretext the writ petitioner moved the present writ petition to direct the respondents to appoint the petitioner in the post Junior Training Officer (Drawing).



3.The appointment can never be claimed as a matter of right. Mere participation in the interview will not confer any right to seek any direction for appointment. Even, the process of selection or the selection cancelled by the competent authorities, the candidates who had participated in the process of selection cannot claim any right over his participation. The process of selection can be challenged, only if there is any malpractice, illegality or corrupt activities in the process. In the absence of any kind of the legal ground, no writ petition can be entertained in the matter of challenging for selection process. However, in this present writ petition, the writ petitioner is of an opinion that his certificates were verified and he participated in the interview and therefore, he is entitled for appointment. Such a concept in the present writ petition is absolutely misconceived.

4.The learned Special Government Pleader appearing on behalf of the respondents states that the particular selection process was cancelled and no candidate was appointed. The above position was clarified in para 3 of the counter affidavit filed on behalf of the respondents and the same is extracted here under:

3. It is submitted that the Government of Tamil Nadu in G.O.Ms.No.212 of Personnel and Administrative Reforms (P) Department, dated 29.11.2001 had completely banned filling up of vacant posts except certain posts identified and declared as essential. The above said ban on filling up of posts by direct recruitment was lifted by the Government in G.O.Ms.No.14 of Personnel and Administrative Reforms (P) Department, dated 07.02.2006. As there was an injunction granted by the Hon'ble High Court of Madras in a Writ petition No.M.P.40805 of 2004 in W.P.No.33746 of 2004 filed by the erstwhile retrenched employees of Tamil Nadu Steels Limited, Arakkonam for the declaration of interview results and subsequent issue of appointment orders for the interviews conducted in 2004, the results could not be declared and the Government in G.O.Ms.No.12, Labour and Employment (P2) Department dated 03.02.2010 subsequently, cancelled the interviews conducted from 05.11.2004 to 10.12.2004.

5.In view of the fact that the selection itself was cancelled in relation to the appointment to the post of Junior Training Officer (Drawing). Thus, the relief cannot be granted to the writ petitioner as such sought for in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

/True copy/



To

1.The Secretary to Government,
Labour and Employment Department,
Fort St.George,
Chennai.

2.The Commissioner of Employment and Training,
Department of Employment and Training,
Chepauk,
Chennai - 5.

+1CC TO M/S.T.SELVAN, ADVOCATE, SR NO.51531
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.52032

W.P (MD) No.4835 of 2013
27.02.2018

mm

MS/SKN-RSK/SAR-1/19.04.2018/3P.5C