



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.5468 of 2013

S.Karikalan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Ltd.,
Corporate Office,
No.27, Railway Station New Road,
Kumbakonam,
Thanjavur District.

2.The Employment Officer,
District Employment Office,
Ariyalur.

... 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 herein to the post of Mechanic on daily wages in the first respondent Corporation.

For Petitioner : No appearance
For R1 : Mr.K.Sathiyasingh
For R2 : 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 herein to the post of Mechanic on daily wages in the first respondent Corporation.

2.None appeared for the writ petitioner.

3.The name of the writ petitioner was sponsored by the Employment Exchange to the post of Mechanic and a call letter was received by the writ petitioner to participate in the interview. Accordingly, the writ petitioner appeared with the certificates. However, the writ petitioner claims that he must be appointed to the post of Mechanic on daily wage basis.

4.The learned Special Government Pleader appearing on behalf of the second respondent states that the writ petitioner had obtained the apprenticeship certificate only from the Airport Authority of



India, Chennai and not from the IRTC. Therefore, the writ petitioner is not eligible for appointment to the post of Mechanic in the State Transport Corporation.

5. May that it be, this Court is of an opinion that appointment can never be claimed as a matter of right. This apart, the writ petitioner claims that he must be appointed as Mechanic on daily wage service. Such an appointment cannot be claimed by the writ petitioner by stating that he had participated in the interview. Mere participation in the interview will not confer any right to the candidate. If there is any irregularity, malpractice or corrupt activities, then the process of selection itself can be challenged. In such event, a person who was participating in the selection process has to establish the irregularity or malpractice. In the absence of any substantial proof in this regard, the claim of the candidate for appointment cannot be interfered at all. This apart, the writ petitioner claims that he must be appointed as Mechanic on daily wage basis. Now the claim as such after a lapse of so many years cannot be granted and the writ petitioner has to participate in the open competitive process for 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

The Employment Officer,
District Employment Office,
Ariyalur.

+1cc to Special Government Pleader, SR.No. 52027

+1cc to M/S.K.Sathiyasingh, Advocate SR.No. 51746

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mm

JM/SV MMS/SAR 2/02.04.2018/2P/4C