

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15-02-2019

CORAM

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

W.P.No.992 of 2019

R.Sudha

.. Petitioner

- Vs. -

1. The Secretary,
Tamil Nadu Rural Development and
Panchayatraj Department,
Chennai.
 2. The District Collector,
Collector Office,
Salem.
 3. The Block Development Officer (Village Panchayat),
Pethanayakanpalayam Panchayat Union,
Salem District.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to consider and appoint the petitioner in the post of Panchayat Secretary in Thalavaipatti Village based on her application dated 4.4.2018.

For Petitioner : Mr.S.Venugopalraj

For Respondents-1&2 : Mr.R.S.Selvam,
Government Advocate.

For Respondent-3 : Mr.K.Rajendra Prasad

O R D E R

The relief sought for by the writ petitioner in the present writ petition is for a direction to direct the respondents to consider and appoint the writ petitioner in the post of Panchayat Secretary in Thalavaipatti Village based on her application dated 4.4.2018.

2. Mere submission of an application for recruitment to the post of Panchayat Secretary would not confer any right on the writ petitioner to move a writ petition and seeks for a direction.

3. Appointment can never be claimed as a matter of right. All appointments are to be made strictly in accordance with the Recruitment Rules in force.

4. Equal opportunity in public employment is the Constitutional mandate. The equity clause enunciated under the Constitution must be scrupulously followed by the authorities competent, while undertaking the process of selection and all the eligible persons must be provided with an opportunity to participate in the process of selection.

5. This being the principles to be followed, the writ petitioner is entitled to participate in the process of selection. Mere submission of an application is not a ground to seek appointment or to file a writ petition for a direction to consider the application.

6. Even to entertain the writ petition, the writ petitioner has to establish a legal right. However, no such right has been established by the writ petitioner in the present writ petition.

7. This being the factum of the case, the writ petition is devoid of merits and accordingly, it stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn
To

1. The Secretary,
Tamil Nadu Rural Development and
Panchayatraj Department,
Chennai.
2. The District Collector,
Collector Office, Salem.
3. The Block Development Officer (Village Panchayat),
Pethanayakanpalayam Panchayat Union,
Salem District.

+1 cc to Mr.S.Venugopalraj, Advocate, S.R.No.15005
+1 cc to Mr.K.Rajendra Prasad, Advocate, S.R.No.13868
+1 cc to the Government Pleader, S.R.No.14582

KAN(CO)
SSM(06/03/2019)

W.P.No.992 of 2019