

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3480 of 2019

R.Radha .. Petitioner

vs.

1. The Director,
Social Welfare Noon Meal Department,
Chennai.

2. The District Collector,
Nammakal District.

3. The Block Development Officer,
Erumapatti,
Nammakal District.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to consider the appointment for Noon Meal Cook Helper at A-Vazavandhi Middle School, Erumapatti panchayat Union and pass orders on the petitioner representation dated 26.11.2018 within a stipulated period.

For Petitioner : Mr.D.Sreenivasan

For Respondents : Mr.R.S.Selvam, for R1 & R2
Government Advocate,

Mr.P.P.Purushothaman for R3
Government Advocate.

O R D E R

Establishing a legal right is a pre-condition for entertaining a writ petition under Article 226 of the constitution of India. In the absence of establishing a legal right, there cannot be any cause for admitting the writ petition.

2. The very relief sought for in the present writ petition is for a direction to direct the 2nd respondent to consider the appointment for Noon Meal Cook Helper at A-Vazavandhi Middle School, Erumapatti panchayat Union and pass orders on the petitioner representation dated 26.11.2018.

3. The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner twice participated in the interview process and no order has been passed, selecting and appointing the writ petitioner. Thus, he is constrained to move the present writ petition, seeking the relief to direct the respondents to consider the appointment of the writ petitioner to the post of Noon Meal Cook Helper.

4. Appointment can never be claimed as a matter of legal right. All appointments are to be made only by following the recruitment rules in force. The authorities competent are empowered to conduct the process of selection strictly in accordance with the rules in force. However, it is an Administrative prerogative on the part of the competent authorities to cancel the selection or defer the appointment order on various administrative reasons. However, the process of selection can be challenged by the candidates, if there is a malpractice or corrupt activities or any illegality. In the absence of any one of valid legal ground, the candidates, who participated in the selection would not get any right to challenge the process of selection or seek a direction for issuing an order of appointment.

5. In the present case on hand, admittedly, the writ petitioner had participated in the process of interview twice. Mere participation in the interview will not confer any right on the writ petitioner to claim for an appointment or to file a writ petition to issue a direction to consider the case of the writ petitioner for appointment. Thus, the present writ petition is absolutely misconceived and there is no reason to issue any such direction as such sought for in the present writ petition.

6. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

Kak/kmm

To

1. The Director,
Social Welfare Noon Meal Department,
Chennai.
2. The District Collector,
Nammakal District.
3. The Block Development Officer,
Erumapatti,
Nammakal District.

+1 cc to Mr.D.Sreenivasan, Advocate, S.R.No.10195

+1 cc to the Government Pleader, S.R.No.10762

W.P.No.3480 of 2019

MR(CO)
SSM(06/03/2019).