

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2019

CORAM

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

W.P.No.4955 of 2019
and W.M.P.No.5654 of 2019

J.Jayaprakash

... Petitioner

-Vs-

1.The Head Coordination
Oil and Natural Gas Corporation Ltd
Deendayal Urja Bhawan 5A Nelson mandela
Marg VAsanth Kunj New Delhi-110 070

2.The Corporate Recruitment
Oil and Natural Gas Corporation ltd
Corporate Recruitment Section Tel Bhavan
Dehradun- 248 003

3.The Basin manager
Oil and Natural Gas Corporation Ltd
Thalamuthu Natarajan Building (CMDA Tower-
No.1 Gandhi Irwin Road Egmore Chennai-8.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to select and appoint the petitioner to the post of Human Resource Executive in the 1st respondent and consequently forbearing the respondents from filling up the vacancy to the post of Human Resource Executive called for pursuant to the recruitment advertisement dated July 2018.

For Petitioner : Mr.K.Ramesh

O R D E R

The relief sought for in the writ petition is for a direction forbearing the respondents from filling up the vacancy

to the post of Human Resource Executive, called for pursuant to the recruitment advertisement dated July 2018.

2. The negative relief sought for in the present writ petition deserves no consideration in view of the fact that filling up of a post and conducting selection process is an administrative prerogative of the competent authorities and once a decision is taken, the petitioner, as a candidate, is eligible only to participate in the process of selection. However, it is not the right of a candidate to file a writ petition seeking direction for restraining the respondents from filling up the vacancies. The only right which can be ensued to the writ petitioner is, in the event of any recruitment, if he is otherwise eligible, he can participate in the process of selection, and if he succeeds in the selection, he can be appointed with reference to the rules as well as terms and conditions notified.

3. However, if the prayer sought for as such is granted, the same will affect the public interest. If the Constitutional Court starts issuing directions restraining the competent authorities from filling up public posts, the ultimate sufferers are public at large and it will amount to infringement of the constitutional rights of other eligible candidates, who are all aspiring to secure public employment by participating in the open competitive process. On the one hand, people are agitating to fill up the public posts quickly for effective public administration and on the other hand, are filing writ petitions stating that posts should not be filled up. Such contrary reliefs cannot be granted. A pragmatic and positive approach in filling up the public posts is certainly imminent and therefore, negative prayers cannot be granted, so as to infringe the rights of all other citizens, who all are aspiring for public employment.

4. Thus, the relief as sought for to forbear the respondents from filling up the post of Human Resource Executive, cannot be granted. It is left open to the writ petitioner to participate in the process of selection, if any recruitment notification is issued and accordingly get appointed, if he is successful. The grounds raised in the writ petition deserves no consideration, as the writ petitioner is in his own ideas that quota for differently-abled is to be filled up in a particular manner. The quota prescribed for the differently-abled persons is to be filled up in accordance with the terms and conditions and the procedures. Thus, the writ petitioner has not established any legal right for the purpose of granting the relief sought for.

Accordingly, the writ petition stands dismissed. No costs.
Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The Head Coordination
Oil and Natural Gas Corporation Ltd
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+1 cc to M/s.K.Ramesh, Advocate Sr.No.17083

CSL/19.03.2019

W.P.No.4955 of 2019

सत्यमेव जयते

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