

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.02.2019

CORAM

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

W.P.No.3474 of 2019

P.Selvarani

..Petitioner

vs

1.The State of Tamil Nadu
Rep.by its Principal Secretary to Government
School Education Department,
Secretariat, Fort St.George,
Chennai - 600 009

2.The Director of School Education,
DPI Campus, College Road
Chennai - 600 006

3.The Chairman
Teachers Recruitment Board
4th Floor, E.V.K.Sampath Maligai
DPI Campus, College Road
Chennai - 600 006

4.The Director,
The Directorate of Employment & Training
Guindy, Chennai - 600 032.

5.The District Employment Office
Dindigul District. Dindigul.

..Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to issue an order of selection and appointment to the Post of BT Assistant (Tamil) based on the selection as communicated by the 4th respondent vide proceedings in Tho.Pa./3752/2012 dated 23.04.2012, in pursuant to the Certificate Verification by the 3rd respondent dated 02.11.2009 and 12.05.2010 and to appoint the petitioner to the post of BT Assistant (Tamil) on the basis with all consequential and other attendant benefits, based on the representation submitted by the petitioner dated 11.07.2018, within a time frame to be fixed by the Hon'ble Court.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.A.Rajaperumal
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents 1 to 3 to issue an order of selection and appointment to the Post of BT Assistant (Tamil) based on the selection as communicated by the 4th respondent vide proceedings in Tho.Pa./3752/2012 dated 23.04.2012, in pursuant to the Certificate Verification by the 3rd respondent dated 02.11.2009 and 12.05.2010 and to appoint the petitioner to the post of BT Assistant (Tamil) on the basis with all consequential and other attendant benefits, based on the representation submitted by the petitioner dated 11.07.2018.

2.The very relief sought for in the present writ petition is to select and appoint the writ petitioner cannot be considered by this Court under Article 226 of the Constitution of India. Undoubtedly, the name of the writ petitioner was registered with the Employment Exchange and her name was sponsored for Recruitment to the Post of B.T.Assistant(Tamil). The process of certificate verification had been completed as per the affidavit filed by the writ petitioner. However, the order of appointment had not been issued to the writ petitioner.

3.The learned counsel for the writ petitioner states that pursuant to the certificate verification, the petitioner had been selected during the relevant point of time. However, no order of appointment has been issued. Appointment can never be claimed as a matter of right. Even a selected candidate cannot claim an order of appointment. Mere selection will not confer any right on the candidate to file a writ petition seeking an appointment order. Even, at the stage of selection, the process of recruitment can be cancelled by the competent authorities.

4.In the present case on hand, undoubtedly, the writ petitioner had participated in the process of certificate verification and got selected. However, no appointment order has been issued and subsequently, the very method of recruitment underwent changes and now, the appointment to the Post of B.T.Assistant(Tamil) is to be undertaken by the Teachers Recruitment Board by conducting an open competitive process. After the introduction of Teachers Eligibility Test for the mandatory qualification for appointment, the process of recruitment underwent many changes and therefore, certificate verification conducted during the year 2012 will not confer any right on the petitioner to claim appointment by filing a writ

petition, after a lapse of 6 years. The writ petitioner is certainly must be aware of these changes made in the recruitment process.

5.This being the factum, there is no reason to move a writ petition before this Court for the relief of an order of appointment. Thus, the writ petition is totally misconceived and the relief sought for in the present writ petition deserves no merit consideration and accordingly the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government
School Education Department,
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Chennai - 600 009
2. The Director of School Education,
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4. The Director,
The Directorate of Employment & Training
Guindy, Chennai - 600 032.
5. The District Employment Office
Dindigul District. Dindigul.

+lcc to Mr.G.Sankaran, Advocate, S.R.No.10528
+lcc to the Government Pleader, S.R.No.10776

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SR(CO)
CS/05/03/2019