

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5249 of 2018
and
W.M.P.Nos.6443 of 2018

1. Armstrong
2. M.kavitha
3. S.Somavathy
4. G.Renuka Devi,
5. V.Azhagamuthu
6. V.Balaji .. Petitioners

Vs.

1. The State of Tamil Nadu
Rep. By the Principal Secretary to Government,
Revenue Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Principal Member Secretary/Commissioner,
Revenue Department,
Chepauk,
Chennai - 600 005.
3. The Managing Director,
Elcot,
Nandanam,
Chennai - 600 035. .. 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 Respondents to pass orders for appointing the petitioners as Date Entry Operators or any other suitable post according to the qualification of the Petitioners on regular basis with all consequential and other attendant benefits by considering the representation submitted by the petitioners dated 05/10/2017 within a time framed to be fixed by this Court.

For Petitioners : M/s.G.Sankaran

For Respondents : Mr.D.Suriya Narayanan
Additional Government Pleader
for R1 & R2

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to pass orders for appointing the petitioners as Data Entry Operators or any other suitable post according to the qualification of the petitioners on regular basis with all consequential and other attendant benefits by considering the representation submitted by the petitioners dated 05.10.2017.

2.Appointment to a Public post can never be claimed as a matter of right. All appointments to the Public posts are to be done only under the constitutional schemes and by following the recruitment Rules in force. Equal opportunity in Public employment is the Constitutional mandate and the authorities competent, while undertaking the process of selection, must follow the rules in force scrupulously and by providing equal opportunity to all the candidates, who all are aspiring to secure Public employment through the open competitive process. The equality clause enshrined under the Constitution must be followed without any deviation or dilution and by following the rules and reservation as prescribed in the Recruitment Rules.

3.This being principles to be followed for the purpose of filling up the Public post, mere representation submitted by the writ petitioners seeking appointment cannot be considered either by the competent authorities or by the Constitutional Courts. Undoubtedly, the writ petitioners may be qualified persons. However, they have to undergo the process of selection, for the purpose of securing Public Employment and mere recommendation or a representation in this regard is of no avail to the writ petitioners to get appointment to public posts. The post of Data Entry Operator, which is now on consolidated pay and the Data Entry Operators are appointed for the purpose of completing a project, more specifically, in relation to the election works. Therefore, the nature of the project, nature of the posts are also to be considered. If the post of Data Entry Operator is attached to a project, then permanent appointment cannot made in the absence any rules. The post must be sanctioned and it must be permanent in nature and in the event of sanction posts, the authorities competent are bound to follow the rules in force.

4.The writ petitioners now filed the present writ petition with a prayer to appoint them to the post of Data Entry Operator, which deserves no merit consideration by this Court. It is left open to the writ petitioners to participate in the process of selection, if any, undertaken by the competent authorities for the purpose of securing employment to the post of Data Entry Operator. No preference or otherwise contrary to the Rules can be given to any candidate, at the time of

considering the case of all the eligible candidates, who all are aspiring to secure Public employment.

5. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

Kmm/kak

To

1. The Principal Secretary to Government,
Revenue Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Principal Member Secretary/Commissioner,
Revenue Department,
Chepauk,
Chennai - 600 005.
3. The Managing Director,
Elcot,
Nandanam,
Chennai - 600 035.

+1cc to Mr.G.Sankaran, Advocate SR.No.13203

+1cc to Government Pleader SR.No.13452

KS (CO)
GMY (18/03/2019)

W.P.No.5249 of 2018

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