

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No. 6084 of 2019

G.Narayani

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by the Principal Secretary,
Health and family welfare Department,
Fort.St.George, Chennai - 9.
2. The Personnal and Administrative
Reforms Department, Chennai - 9.
3. The Director of Medical Education (Administration)
Directorate of Medical Education,
Kilpauk, Chennai - 10.
4. The District Employment Officer,
The District employment Exchange,
Thanjavur.
5. The Chairman,
Medical Recruitment Board,
DMS Buildings, 7th Floor,
Teynampet, Chennai -600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents to consider the petitioner's representation dated 31.01.2019 within the time stipulated by this Hon'ble Court and to appoint the petitioner to the Post of Pharmacist.

For Petitioner :Ms.S.Thenmozhi

For Respondents :Mr.Shanmuga Sundaram
Special Government Pleader

Mr.A.N.Thambidurai
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 to consider the petitioner's representation dated 31.01.2019 within the time stipulated by this Hon'ble Court and to appoint the petitioner to the Post of Pharmacist.

2.For entertaining a writ petition under Article 226 of the Constitution of India, the petitioner has to establish a legal right. Establishing a legal right is a precondition to consider the writ petition. In the absence of establishing a cause or grievances, no writ petition can be entertained.

3.The very relief sought for in the writ petition, is to consider the representation of the writ petitioner in relation to appointment to the post of Pharmacist. By submitting a representation, the writ petitioner cannot secure public employment.

4.All appointments are to be done strictly under the Constitutional Schemes and by following the recruitment rules scrupulously. The authorities competent, while undertaking the process of selection, must follow the rules and by providing equal opportunity to all the eligible candidates, who all are aspiring to secure public employment by participating in the open competitive process. Thus, an appointment is to be granted only by following the rules in force and not otherwise. The writ petitioner, by submitting a representation, filed the writ petition by stating that he is waiting for long years and he has not received any interview call letter by the competent authority.

5.Appointment being not a right, cannot be claimed by filing a writ petition. In the event of any violation of rules, the malpractices or corrupt activities in the process of selection, then alone, the candidates are entitled to approach the Court for the purpose of redressing their grievances. In all other circumstances, the public employments are to be secured only, if a recruitment Notification is issued by the competent authorities and by participating in the process of selection.

6.This being the principles, the writ petitioner has not established even a semblance of legal right, so as to consider the relief as such sought for in the present writ petition.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
The Government of Tamil Nadu,
Health and family welfare Department,
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+1cc to Mr.A.Veeramani, Advocate sr.no.20175
+1cc to Government Pleader sr.no.80516

W.P.No. 6084 of 2019

ssi(co)
nr 03/04/2019