

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.04.2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 4907 of 2018
and
W.M.P.No.6052 fo 2018

C.Karthikeyan

..petitioner

Vs

The Registrar
Indian Maritime University
IMU Headquarters, East Coast Road
Uthandi,
Chennai - 600 119.

..Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in IMU/HQ/ADMN/ASST-ASST (FIN)/2017 dated 25.09.2017 and quash the same and direct the respondent to appoint the petitioner in the post of Assistant-Finance.

For Petitioner : Mr.M.Nandhakumar

For Respondent : Mr.K.R.Thamizhmani

O R D E R

The relief sought for in the present writ petition is for a direction to quash the impugned order passed by the respondent in proceedings dated 25.09.2017 and to direct the respondent to appoint the writ petitioner in the post of Assistant - Finance.

2. The impugned order is the rejection of the representation submitted by the writ petitioner seeking appointment to the post of Assistant-Finance. The contention of the writ petitioner is that he completed his under graduation course in Bachelor of Commerce in 1996-1999 and he is eligible for appointment to the post of Account Assistant on contract basis. The writ petitioner was engaged as a direct employee in the post of Accountant Assistant and he is continuing even today as contract employee. The writ petitioner participated in the process of selection for appointment to the post of Assistant-Finance in a sanctioned post in the regular time scale of pay.

3. The grievances of the writ petitioner is that though he performed well in the process of selection, he was not selected and appointed. Thus, the writ petitioner is constrained to move the present writ petition.

4. The learned counsel appearing on behalf of the respondents states that the writ petitioner was an unsuccessful candidate in the process of selection and he was not within the zone of consideration and accordingly, he was not appointed as Assistant Finance in the respondent organisation. Thus, the writ petition deserves to be rejected. In this regard, the learned counsel for the respondent relied upon the averments made in paragraph No. 4,8 of the counter affidavit which reads as under,

" ...that the marks were accorded as per performance in the online test. 7 candidates as shown hereunder from the OBC(NCL) category were offered employment and joined as under:

Sl.No.	Name	Rank obtained	Date of Joining
1.	PRATIMA PANCHAL	1	22-03-2016
2.	S.SATHISH	2	23-03-2016
3.	VIPIN KANAYI	3	22-03-2016
4.	M.KAVIPRIYA	4	18-03-2016
5.	M.GOUTHAMAN	5	10-03-2016
6.	M.ANGALESWARI	6	11-03-2016
7.	R.MYTHILI	7	10-03-2016

The petitioner's rank was No.8 (Below the vacancy requirement)"

"... that again in 2017 another recruitment process commenced. He applied once again in 2017 for the same post and also paid the fee for the online examinations. Since the petitioner and some other candidates were over-aged, the university decided to refund their fee by an order dated 22.03.2017. The petitioner got the refund on 04.08.2017 thus the petitioner knew absolutely well that his 2016 application did not survive and accepting the non-selection in 2016 he again applied for 2017 by which time he was overaged and his fee was refunded. That time petitioner

having accepted the non-selection in 2016 for want of higher ranking attempted to appear for 2017 online test. The petitioner knew completely well that his ranking in the 2016 online test was lower than the 7 OBC candidates appointed. His non-selection had nothing to do with the percentage of marks he obtained in U.G."

5. This Court is of the considered opinion that the appointment can never be claimed as a matter of right. All appointments are to be made strictly in accordance with the recruitment rules in force. Equal opportunity in public employment is the constitutional mandate. The process of selection can be challenged by the candidates only on limited grounds viz., if the process of selection is denied with malafides or if any allegations of corrupt activities, then alone, the High Court can interfere with the process of selection and not otherwise. No such allegations are set out in the writ petition filed by the writ petitioner. In the absence of any such specific allegations, this Court would not be in a position to appoint the writ petitioner to the post of Assistant Finance. Under these circumstances, this Court has no hesitation in coming to a conclusion that the writ petitioner has not made out any acceptable legal ground for the purpose of granting the relief as such.

6. Accordingly, the present writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

ssb/kmm

To

The Registrar
Indian Maritime University
IMU Headquarters, East Coast Road
Uthandi, Chennai - 600 119.

+2 cc's to Mr.M.Nandhakumar, Advocate, Sr.No. 34176

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CSL/03.06.2019