

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 4/11/2019

C O R A M

The Honourable Mr.Justice SUBRAMONIUM PRASAD

Writ Petition No.9399 of 2013

C. Rajan

...Petitioner

Vs

1. The Secretary
Government of Tamil Nadu
Sericulture Department
Fort St. George
Chennai 600 009.
2. The Director
Sericulture Department
No.249, 2nd Agraharam
Salem.
3. The Assistant Director
Sericulture
M.C.Road, Vaniyambadi Taluk
Konamedu
Vellore District.

....Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to appoint me in the post of Junior Inspector, Sericulture Department, in compliance of the order passed in O.A.No.2178 of 1990 on the file of the Tamil Nadu State Administrative Tribunal, Chennai, dated 18/11/1998.

For petitioner ... Mr.C.K.M.Appaji

For respondents ... Ms.A.Shrijayanthi

Special Government Pleader

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ORDER

Instant writ petition is filed, to direct the respondents to appoint the petitioner, in the post of Junior Inspector, Sericulture Department, in compliance of the order passed in O.A.No.2178 of 1990, on the file of the Tamil Nadu State Administrative Tribunal, Chennai, dated 18/11/1998.

2. Petitioner is a physically handicapped person, appointed as a daily wager in Sericulture Department. He was latter appointed as Night Watchman, from 8/4/1990, vide Proceedings in No.2060/Aa/19. Petitioner filed Original Application No.2178 of 1990, on the file of the Tamil Nadu State Administrative Tribunal, seeking for a direction to the respondents, to permit him as Junior Inspector. Administrative Tribunal, by an order, dated 25/9/1998, passed the following order:-

"Heard.

The applicants in the above three O.As are working as Casual Labourers in the Sericulture. Rural Minisilk Filature, K.R.P>Dam, Krishnagiri, from 1982 onwards. It is their grievance that inspite of their claim for promotion as Junior Inspector, Sericulture, respondents have called for candidates through Employment Exchange.

Considering the fact that they are still working as Casual Labourers, the respondents are directed to give them preference while filling up future vacancies in the post of Junior Inspector, Sericulture, if necessary by relaxing the age, qualification, provided they possess the required educational qualification. These applications are ordered accordingly."

3. Stating that the order has not been complied with, instant writ petition has been filed, for the relief stated therein.

4. Learned counsel for the petitioner states that he has been working for a long time with the respondent Department and thereby, he should have been given preference for being appointed as Junior Inspector.

5. On notice, Assistant Director of Sericulture, Vaniyambadi, third respondent, has filed counter affidavit. In the counter it is stated that the petitioner was called twice, to attend interview, to the post of Junior Inspector, Sericulture, conducted, on 12/1/1982 and 16/4/1986. He was not selected. Once again, on 6/3/1990, he was called for the interview, but again he was failed. Third respondent states that there are about 200 labourers are working as temporary casual labourers, in the said Department, are working like the petitioner, who have the same qualifications and are entitled to appoint as Junior Inspector and that therefore, the petitioner cannot be singly preferred for appointment.

6. Heard Mr.C.K.M.Appaji, learned counsel for the petitioner and Ms.A.Shrijayanthi, learned Special Government Pleader for the respondents.

7. It is well settled that there is no right to be appointed to a post. The petitioner may be having necessary qualification, but that by itself is not sufficient. The fact that he is working for a long number of years as a daily wager in the Department would by itself not get any right to the petitioner to be appointed as Junior Inspector. Petitioner cannot be appointed in violation of the Recruitment Rules. As stated in the counter, petitioner has appeared thrice for the interview, but he was not successful. In the absence of any such right, prayer sought for by the petitioner cannot be granted.

8. In the result, writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary
Government of Tamil Nadu
Sericulture Department
Fort St. George
Chennai 600 009.
2. The Director
Sericulture Department
No.249, 2nd Agraharam, Salem.
3. The Assistant Director
Sericulture
M.C.Road, Vaniyambadi Taluk
Konamedu, Vellore District.

+1 cc to The Government Pleader Sr.No. 91788

AKM/11.12.19/P- C /

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