

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM

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

W.P.No.1631 of 2018

P.Lenamani

... Petitioner

Vs

1.The Director of Adi Dravidar Welfare,
Chepauk,
Chennai - 600 005.

2.The District Adi Dravidar & Tribal Welfare Officer,
Cuddalore District,
Cuddalore.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation submitted by the petitioner dated 12.05.2016 and 11.10.2017 for appointment to the post of Cook in the existing vacancies in Chidambaram Nandhanar Girls Hostel, Cuddalore based on the selection conducted to the post of Cook on 05.02.2016, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.R.S.Selvam, G.A.

सत्यमेव जयते
O R D E R

The relief sought for in the Writ Petition is for a direction to consider the representations of the petitioner for appointment to the post of Cook in the vacancies in Chidambaram Nandhanar Girls Hostel, Cuddalore based on the selection conducted on 05.02.2016.

2. The grievance of the petitioner is that she hails from poor family and applied for the post of Cook. She is fully qualified for appointment to the said post. Thus, the Writ Petitioner participated in the process of selection, but the respondents have not considered the case of the Writ Petitioner and hence, the present Writ Petition is filed.

3. The appointment can never be claimed as a matter of right. Mere selection for appointment will not confer any right for appointment. Even the selected candidates cannot claim any right for appointment. Only if the Writ Petitioner was issued with an order of appointment, the candidate will get the right to claim the post. The authority competent are eligible to cancel the selection process at any point of time and it is a prerogative of the authorities concerned subject to the policy decision of the Government. In this regard, it is only a policy in the process of selection and the Writ Petitioner has no right to claim appointment. The process of selection can be challenged only if the selection was conducted contrary to the statutory provisions or if there is any malpractice or corrupt activities, which is substantiated and established. Then alone, the Writ Petition can be entertainable for the purpose of intervention in respect of the selection process. However, in the present case, no such allegations are set out by the Writ Petitioner.

4. Contrarily, the claim is for a direction for appointment on the basis of selection of candidate. In view of the fact that no other person has been appointed nor selection process is completed by issuing an order of appointment, the Writ Petition is not entertainable as it is premature. Moreover, the Writ Petitioner has not established any illegality or legal right so as to consider his prayer as sought for in the Writ Petition.

5. The Writ Petition is devoid of merits and stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

pvs

Sub Assistant Registrar

To

1.The Director of Adi Dravidar Welfare,
Chepauk,
Chennai - 600 005.

2.The District Adi Dravidar & Tribal Welfare Officer,
Cuddalore District,
Cuddalore.

+1 cc to Mr.G.Sankaran, Advocate, S.R.No.10039
+1 cc to the Government Pleader, S.R.No.10831

W.P.No.1631 of 2018

PP(CO)
SSM(21/03/2019).