

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :26.02.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.1713 of 2018
and
W.M.P.Nos.2137 to 2139 of 2018

1.P.Kuppusamy
2.V.Janaki
3.P.Aruchamy

..Petitioners

vs

1.The Director of Adi Dravidar Welfare
Chepauk, Chennai - 600 005
2.The District Adi Dravidar & Tribal Welfare Officer
Erode District,
Erode.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 1st Respondent in Na.Ka.Tha.4/9933/2016 dated 14.09.2017 and to quash the same and consequently directing the Respondents to select and appoint the petitioners to the post of Cook in Adi Dravidar Welfare Department in Erode District based on the merit in selection conducted on 07.03.2017 with all consequential and other attendant benefits within a time frame to be fixed by this Honble Court.

For Petitioners : Mr.G.Sankaran
For Respondents : M/s.P.Rajalakshmi
Additional Government Pleader

O R D E R

The internal communication shared between the Director of Adi Dravidar Welfare and District Adi Dravidar Welfare dated 14.09.2017 is under challenge in the present writ petition.

2.The impugned internal communication states that on administrative grounds, the interview scheduled to be conducted on 07.03.2017 is cancelled. Further, directions are issued to invite the list of eligible candidates from the employment exchange and initiate all further actions. Directions are issued by the Director of the District Adi Dravidar and Tribal Welfare officer. Such a communication is purely an administrative

instructions issued by the 1st respondent to the 2nd respondent and the same would not constitute any cause of action for the writ petitioners to move the present writ petition.

3.The very relief sought for in the present writ petition is to select and appoint the petitioners to the post of Cook in Adi Dravidar Welfare Department in Erode District based on the merit in selection conducted on 07.03.2017. The Director issued instructions in the communication dated 14.09.2017, cancelling the selection.

4.Cancellation of selection is the prerogative of the administration. Candidates, participated in the selection, cannot claim that based on the selection process, they must be appointed. Appointment itself can never be claimed as a matter of right. The candidates, who participated in the selection, would not claim any right for issuance of any appointment. The decision regarding the cancellation of selection can be taken by the administration on various grounds. However, if such process of selection or decision is based on certain corrupt practices or there is an illegality, then alone, the challenge can be made.

5.However, in this case, the writ petitioners are candidates and they have not challenged the order passed against them. They have challenged the directions given by the 1st respondent to the 2nd respondent. Even in a case, where, the cancellation is done at the administrative level, the writ petitioners have no right to question the same. Mere participation in the selection would not confer any right on the candidate to seek appointment or to validate the selection.

6.This being the principles to be followed, this Court is of an opinion that if at all, a fresh notification is made, it is left open to the writ petitioners to participate in the process of selection, if they are otherwise eligible and qualified with reference to the rules.

7.However, the very directions sought for to select and appoint the petitioners to the Post of Cook, cannot be granted in view of the fact that the entire process of selection was cancelled pursuant to the directions issued by the 1st respondent to the 2nd respondent.

8.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

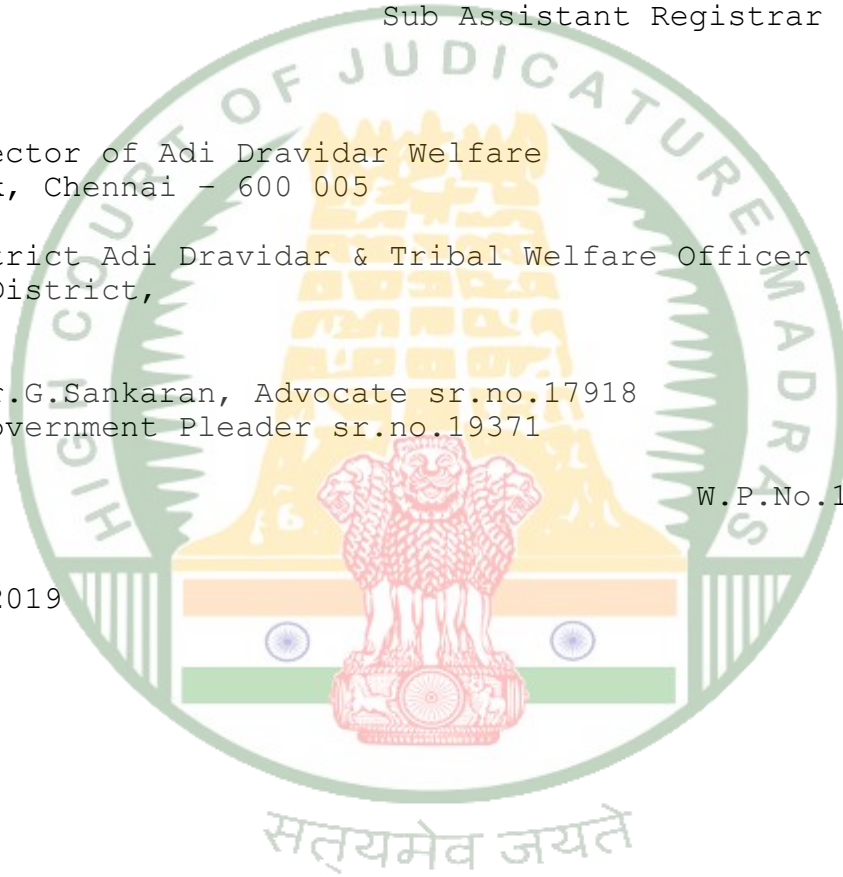
1.The Director of Adi Dravidar Welfare
Chepauk, Chennai - 600 005

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

+lcc to Mr.G.Sankaran, Advocate sr.no.17918
+lcc to Government Pleader sr.no.19371

W.P.No.1713 of 2018

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