

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM

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

W.P.No.1716 of 2018

S.Uma

... Petitioner

Vs

1. The Secretary,
School Education Department,
Fort St. George, Chennai,
Tamil Nadu, Chennai - 600 009.

2. The Chief Educational Officer,
C.E.O. Office, Tiruvannamalai,
Tiruvannamalai District - 606 601.

... 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 petitioner representation dated 21.07.2017 is so far as in the said representation that the petitioner had sought for one post of Lab Assistant in Tiruvannamalai District as under the priority category of intercaste married couple Serial No.II of Group II in the G.O.Ms.No.188, dated 28.12.1976 and the petitioner belongs to B.C.I.C.M. category.

For Petitioner : Mr.M.R.Chellappan

For Respondents : Mr.A.Raja Perumal, AGP

O R D E R

The relief sought for in the Writ Petition is to direct the respondents to consider the representation dated 21.07.2017 and appoint the petitioner to the post of Lab Assistant in Tiruvannamalai District under the priority category of intercaste marriage with reference to the G.O.Ms.No.188, dated 28.12.1976.

2. The learned counsel for the Writ Petitioner states that the petitioner is eligible and fully qualified for appointment

to the post of Lab Assistant and he is eligible to avail the inter-caste marriage quota. The Writ Petitioner participated in the process of selection, but the respondents have not considered the case of the Writ Petitioner.

3. It is pertinent to note that the process of selection is completed and appointment orders were issued to the selected candidates. The Writ Petitioner is the person who was not selected in the recruitment, thus the present Writ Petition is filed.

4. This Court is of the opinion that the Writ Petitioner has not substantiated or established any allegation of malpractice or corrupt practice or illegality in the process of selection. Mere participation in the process of selection will not confer any legal right on the petitioner to claim appointment to the public post and it should be made under the Constitutional Scheme and by following recruitment Rules in force. Equal opportunity should be provided to all the eligible candidates, and mere eligibility is not a right to issue a direction as sought for in the Writ Petition. Lakhs and lakhs of youth of this great Nation are burning their midnight lamps for securing public employment in the open competitive process. Thus the eligible persons have to undergo the process in the manner known to law.

5. Contrarily, in the Writ Petition, the Court cannot issue a direction to appoint the petitioner in the Lab Assistant Post. Such appointment to be made only by following the procedures contemplated under the Rules and as per the Government Order in force. The authorities competent are bound to follow the rules for appointment.

6. This being the legal principle to be followed, this Court is of the opinion, that undoubtedly, the Writ Petitioner miserably failed to establish any legal right for the purpose of considering him to the said post as sought for in the Writ Petition.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pvs

To

1.The Secretary,
School Education Department,
Fort St. George, Chennai,
Tamil Nadu, Chennai - 600 009.

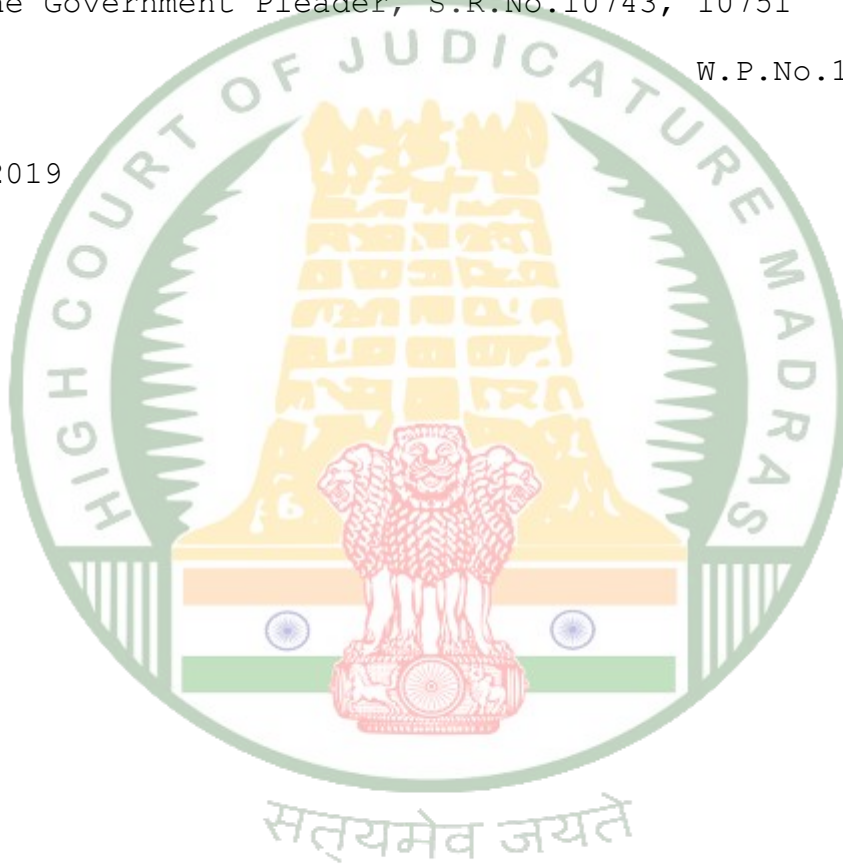
2.The Chief Educational Officer,
C.E.O. Office, Tiruvannamalai,
Tiruvannamalai District - 606 601.

+lcc to Mr.M.R.Chellappan, Advocate, S.R.No.9837

+lcc to the Government Pleader, S.R.No.10743, 10751

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VBA(CO)
CS/14/03/2019



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