

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.03.2019

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

W.P.No.18775 of 2018

S.Amalorpava Magimai Rani

..Petitioner

vs

1. The District Collector
Villupuram District Collector office.

2. The Block Development Officer
Panchayat Union
Gingee Post & Taluk
Villupuram District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representation dated 21.06.2018 with regard to appointment as organizer in the Noon Meal Centre at Palapattu Panchayat Union Middle School, Gingee, within a stipulated time as fixed by this Hon'ble Court.

For Petitioner : Mr.M.Prabaharan

For Respondents : Mr.R.S.Selvam, Government Advocate
for R1

Mr.I.Sathish for R2

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondent to consider and pass orders on the petitioner's representation dated 21.06.2018 with regard to appointment as organizer in the Noon Meal Centre at Palapattu Panchayat Union Middle School, Gingee.

2.The learned counsel for the writ petitioner states that she is the permanent resident of Palappattu Village & Post, Gingee Taluk, Villupuram District. The writ petitioner is unemployed. Pursuant to the notification issued in Daily Newspaper, the writ petitioner submitted an application for

selection to the Post of Noon Meal Organizer in Panchayat Union Middle School, Palappattu Village, Gingee Taluk. The 2nd respondent sent a call letter on 20.01.2017, directing the writ petitioner to attend the interview on 01.02.2017 at the office of the 2nd respondent. The writ petitioner attended the interview on 01.02.2017 and produced all the required documents as mentioned in the interview call letter. Thereafter, the writ petitioner had not received any orders from the respondent. On application under the RTI Act, it was informed that the Post of Noon meal Organizer in the Panchayat Union Middle School, Palapattu Village is still vacant and yet to be filled up by the respondents. Under these circumstances, the writ petitioner is constrained to move the writ petition seeking an order of appointment.

3.The learned Government Advocate appearing on behalf of the 1st respondent states that the vacant post has been filled up and it was also stated in the typed set of papers filed in support of the writ petition.

4.This Court is of an opinion that appointment can never be claimed as a matter of right. Undoubtedly, all appointments are to be made strictly under the Constitutional schemes and by following the recruitment rules in force. Mere participation in the process of selection would not confer any legal right on the candidate to claim appointment. However, the process of selection can be challenged, if there is any malpractice or corrupt activities or violation of the statutes or rules. In the absence of establishing any such irregularity or illegalities in the process of selection, a candidate, who participated in the interview cannot claim that she must be appointed in the particular post.

5.This being the factum of the case, the relief as such sought for to consider the representation cannot be granted and in the event of any other recruitment notification, the writ petitioner is at liberty to participate, if she is otherwise eligible and qualified in accordance with the rules.

6.As far as the relief to consider the representation, it is to be stated that "This 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before the Court, as this case shows,

having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute."

7.Thus, the relief as such sought for in the present writ petition cannot be granted and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Villupuram District Collector office.
2. The Block Development Officer
Panchayat Union
Gingee Post & Taluk
Villupuram District.

+1 cc to Mr.M.Prabakaran, Advocate, S.R.No.24495

+1 cc to Mr.I.Sathish, Advocate, S.R.No.24416

+1 cc to the Government Pleader, S.R.No.24685

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GJ-II(CO)
SSM(05/04/2019).

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