

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-03-2019

CORAM

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

W.P.No.29886 of 2018

And

W.M.P.No.34893 of 2018

K.Vijayan

.. Petitioner

- Vs. -

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.Special Officer/Block Development Officer
(Village Panchayat),
Vellerithangal Panchayat,
Kadambatthur Panchayat Union,
Tiruvallur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's application dated 5.10.2018 for appointment to the post of Panchayat Secretary for Vellerithangal Panchayat in Kadambatthur Panchayat Union, Tiruvalluvar District without rejecting the same on any reason relating to Communal Rotation for the said village.

For Petitioner : Mr.S.Sugendran

For Respondent : Mrs.P.Rajalakshmi,
Additional Government Pleader.

सत्यमेव जयते
O R D E R

The relief sought for in the present writ petition is for a direction to direct the second respondent to consider the petitioner's application dated 5.10.2018 for appointment to the post of Panchayat Secretary for Vellerithangal Panchayat in Kadambatthur Panchayat Union, Tiruvalluvar District without rejecting the same on any reason.

2. Appointment can never be claimed as a matter of legal right. All appointments are to be made only under the Constitutional Schemes and by following the Recruitment Rules in force. Mere submission of application, seeking

employment would not confer any right by filing a writ petition for a direction to consider the petitioner's application for appointment to the post of Secretary.

3. The Recruitment Rules for appointment are already in force and only in the event of issuing a Recruitment Notification, the writ petitioner would get an opportunity to participate in the process of selection for the purpose of securing employment.

4. Contrarily, the writ petitioner cannot submit an application for appointment to the post of Panchayat Secretary and file a writ petition, seeking a direction to consider the representation or to appoint him to the post of Panchayat Secretary. Such a relief sought for in the present writ petition is absolutely misconceived and this Court cannot entertain such writ petition in view of the fact that the writ petitioner has not established even a semblance of legal right, so as to consider the relief, as such, sought for in the present writ petition.

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.Special Officer/Block Development Officer
(Village Panchayat),
Vellerithangal Panchayat,
Kadambatthur Panchayat Union,
Tiruvallur District.

+1cc to Mr.S.Sugendran , Advocate SR.No. 26592

+1cc to Mr.K.Rajendra Prasad, Advocate SR.No. 26622

+1 cc to Government Pleader SR.NO. 26881

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nrl (CO)

A.SK(23/04/2019)