

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-03-2019

CORAM

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

W.P.No.29599 of 2018

And

W.M.P. No.34565 of 2018

A.Kamala (Destitute Widow)

.. Petitioner

- Vs. -

1.The State of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Noon Meal
Scheme Department,
Fort St. George,
Chennai-600 009.

2.The District Collector,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to forthwith appoint the petitioner on priority in the post of Noon Meal Organizer either at Panchayat Union Middle School, Gandhipuram or at Panchayat Union Primary School, Kollappanaickanoor, Panamarathupatti Panchayat Union, Salem District.

For Petitioner : Mr.K.Selvaraj

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

W E B C O P Y
O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to forthwith appoint the writ petitioner on priority in the post of Noon Meal Organizer either at Panchayat Union Middle School, Gandhipuram or at Panchayat Union Primary School, Kollappanaickanoor, Panamarathupatti Panchayat Union, Salem District.

2. Appointment can never be claimed as a matter of

legal right. Appointments are to be made only under the Constitutional Schemes and by following the Recruitment Rules in force.

3. Thus, the relief sought for in the present writ petition is innocuous. The writ petitioner has to participate in the process of selection for the purpose of securing employment.

4. The learned Government Advocate, appearing on behalf of the respondents states that the Recruitment Notification for appointment to the post of Noon Meal Organizer has already been cancelled and the same was published in the newspaper also on 8.11.2018.

5. Thus, this Court is of an opinion that the writ petitioner has to participate in the process of selection whenever the Recruitment Notification is issued by the Competent Authority for selection to the post of Noon Meal Organizer.

6. Under these circumstances, 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.

7. 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-III)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Secretary,
State of Tamil Nadu, सतयमेव जयते
Social Welfare and Noon Meal
Scheme Department,
Fort St. George,
Chennai-600 009.

2.The District Collector, Salem District.

+lcc to the Government Pleader, S.R.No. 26874

WP 29599 of 2018

PA(CO)
GN(07/05/2019)