

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :28.03.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.32628 of 2018
and
W.M.P.No.37833 of 2018

Ms.Pavithra P

.. Petitioner

..vs..

1.The District Collector,
Udhagamandalam,
The Nilgirie,
643 001.

2.The Deputy Director of Health Services,
Jail Hill Road,
Udhagamandalam,
The Nilgirie,
643 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in order passed through R.No.3045/H1/2009 dated 16.11.2018 and quash the same and direct the 2nd respondent to consider the representation dated 24.08.2017 & 23.10.2017 on merits and appoint the petitioner to the post of Dental Doctor at the primary Health Centre at Nellakottai as per the advertisement dated 24.02.2017 and the interview conducted in Na.Ka.No.3045/H1/2009 dated 24.08.2017.

For Petitioner : Mr.P.Prakash Paul

For Respondents: Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

The relief as such sought for in the present writ petition is for a direction to direct the respondents to consider the representation of the petitioner dated 24.08.2017 & 23.10.2017 on merits and appoint the petitioner to the post of Dental Doctor at the primary Health Centre at Nellakottai as per the advertisement dated 24.02.2017 and the interview conducted in Na.Ka.No.3045/H1/2009 dated 24.08.2017

2.The writ petitioner has completed her B.D.S from the Tamil Nadu Dr. M.G.R. Medical University with 1 year Compulsory Rotatory Internship in October 2015. The petitioner also registered her name with the DCI. Pursuant to the recruitment notification to the post of Dental Doctor on contract basis, the writ petitioner submitted her application. The writ petitioner was called for an interview and she attended, however she was not appointed by the Competent Authorities. Thus, the writ petitioner is constrained to move the present writ petition.

3.The learned counsel for the writ petitioner states that when the selection process commenced and the writ petitioner also had participated in the process of selection. Thus, she is entitled to be appointed in the post of Dental Doctor on contractual basis.

4.The learned counsel for the petitioner mainly contended that there is no genuine reason for the cancellation of selection to the post of Dental Doctor and therefore, the writ petition is to be allowed, in the absence of any valid reason for cancellation. The Authorities Competent are bound to continue the selection process and appoint the writ petitioner, if she is otherwise qualified in accordance with the rules in force.

5.The learned Special Government Pleader appearing on behalf the respondents states that the appointment was done for the reserved vacancy of Dental Surgeon by Communal roster of Scheduled Caste and available sanctioned post is meant for the candidates belonging to Scheduled Caste and the writ petitioner belongs to Most Backward Class. Accordingly, she was not selected for the post of Dental Doctor as the vacancy is reserved for Scheduled Caste candidates. Thus, they have cancelled the process on the ground that the State is bound to implement the Rule of Reservation and as well as the communal rotations.

6.In the event of district wise selection, the communal rotations are unable to be implemented by the State. In the event of non implementation of communal rotations, the same will cause injustice and no equality can be maintained in the process of selection. After expressing the difficulty in respect of the implementation of communal rotations in the process of selection, the State has taken a policy decision to conduct State Wide Selection enabling the State to provide communal rotations as per the rules in force.

7.This Court is of an opinion that the appointment can never be claimed as a matter of right. Mere participation in the process of selection would not confer any right on the candidate to seek an order of appointment.

8. Thus, the reason for cancellation of selection is genuine and the writ petitioner who participated in the process of the selection cannot file a writ petition by stating that she must be appointed based on the selection.

9.It is left open to the writ petitioner to participate in the forthcoming process of selection, if any, notified at the State level as per the decision taken by the authorities.

8.This being the principles to be followed, the relief as such sought for in the present writ petition cannot be granted. Accordingly, the present writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Udhagamandalam,
The Nilgirie,
643 001.

2.The Deputy Director of Health Services,
Jail Hill Road,
Udhagamandalam,
The Nilgirie,
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+1cc to Government Pleader sr.no.31041

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nr 03/05/2019