



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **S.M. SUBRAMANIAM**

W.P. (MD) No.12900 of 2019

Selvi

... Petitioner

-Vs-

The District Collector,
Office of the District Collector,
Sivagangai District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to provide employment in Indra Nagar, Anganwadi at Karaikudi or any one of the Anganwadi in Sivagangai District by considering the representation submitted by the petitioner dated 13.04.2019 in accordance with law within the time stipulated by this Court.

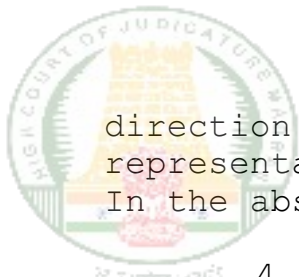
For Petitioner : Mr.R.Alagumani
For Respondent : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

The relief sought for in the present petition is to direct the respondent to provide employment in Indra Nagar Anganwadi at Karaikudi or any one of the Anganwadi Centre in Sivagangai District by considering the representation submitted by the writ petitioner on 13.04.2019.

2. Mere submission of a representation seeking employment would not confer any right on the writ petitioner to secure public employment. Appointments are made strictly in accordance with the rules in force. Equal opportunity in public employment is the constitutional mandate. All eligible candidates, who are aspiring to secure public employment, must be provided with an opportunity to participate in the process of selection. , whenever the selection process is undertaken by the competent authority for providing appointments. Thus, the writ petitioner has to secure public employment only by participating in the selection process and by way of representation no one can secure appointment in public posts.

3. Except the representation, the writ petitioner has not established that selection process is commenced or some illegality or irregularity in such selection process. In the absence of any such allegation, mere submission of representation would not confer any right on the writ petitioner to move writ petition seeking



direction to consider his representation. Even to consider the representation, the petitioner has to establish his legal right. In the absence of such legal right no writ can be entertained.

4. The learned counsel for the petitioner states that the petitioner submitted an application to participate in the process of selection.

5. Even then, only if the selection process was commenced and concluded and if the authorities competent failed to follow the recruitment rules, then alone the cause of action would arise to move writ petition. Though the writ petitioner submitted an application, it is made clear that no person was appointed in the Post of Ankanwadi Worker at Indra Nagar.

6. It is being the factum, mere application or submission of representation cannot be a ground to issue a direction under Article 226 of Constitution of India.

7. This disposal of representation mantra is increasingly permeating the judicial process in the High Court and Tribunals. Such orders may make for quick or easy disposal of the 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. Thus, the Courts cannot issue such direction to consider the representation in a routine manner. Only in the event of establishing legal right and definite cause, directions may be issued and not otherwise.

8. It is being the legal principles to be followed, the writ petitioner had not established even a semblance of legal right so as to consider the relief as such sought in this writ petition. Therefore, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(AE)

// True Copy //

Sub Assistant Registrar(CS)

To

The District Collector, Office of the District Collector,
Sivagangai District.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 67398

W.P. (MD) No.12900 of 2019

GRC (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
IR (17.06.2019) 2P 3C