



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.18654 of 2014

and

M.P. (MD) No.1 of 2014

P.Sivakumar

... Petitioner

-Vs-

1.The Chief Educational Officer,
Kanyakumari District,
Nagercoil.

2.The District Educational Officer,
Kanyakumari District,
Nagercoil.

3.The Assistant Director,
O/o. District Employment Exchange,
Kanyakumari District, Nagercoil.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's name for appointment to the post of Laboratory Assistant in Education Department, Kanyakumari District, even if the petitioner's name is not sponsored by the employment exchange as per orders made in W.P.No.6239 of 2008.

For Petitioner

: Mr.M.Saravanakumar

For Respondents

: Mrs.S.Srimathy,

Special Government Pleader.

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents to consider the petitioner's name for appointment to the post of Laboratory Assistant in Education Department, Kanyakumari District.

2.Admittedly, the name of the writ petitioner was not sponsored through Employment Exchange.

3.The learned Special Government Pleader appearing on behalf of the respondents states that appointments to the post of Laboratory Assistant were made by conducting written examination through open competitive process. The practice of appointing the



candidates for the post of Laboratory Assistant through District Employment Exchange was not continued and the recruitment notification was issued during the relevant point of time for selection and appointment to the post of Laboratory Assistant.

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4.This being the recruitment procedures followed, the writ petitioner cannot seek appointment based on his employment seniority. When the appointment procedures itself are through open competitive process, the writ petitioner cannot seek such prayer for sponsoring his name for appointment to the post of Laboratory Assistant. However, it is left open to the writ petitioner to participate in the open competitive process, if any recruitment notification is issued for appointment to the post of Laboratory Assistant.

5.With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Chief Educational Officer,
Kanyakumari District,
Nagercoil.

2.The District Educational Officer,
Kanyakumari District,
Nagercoil.

3.The Assistant Director,
O/o. District Employment Exchange,
Kanyakumari District, Nagercoil.

+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No. 73511

W.P(MD)No.18654 of 2014