



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.18281 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

Mariammal

... Petitioner

Vs

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Manamelkudi Taluk,
Pudukottai District.

3.The District Employment Officer,
District Employment Exchange,
Pudukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring that the interview held by the second respondent on 06.10.2015 to fill up the post of Village Assistant in Manamelkudi Taluk, Pudukkottai District pursuant to his notification in Na.Ka.4268/2015/A3 dated 09.2015 as null and void.

For Petitioner : Mr.T.Lenin Kumar

For R1 to R3 : Mr.D.Muruganantham
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is for a declaration declaring that the interview held by the second respondent on 6.10.2015 to fill up the post of Village Assistant pursuant to the notification dated September, 2015 as null and void.



selection. The name of the writ petitioner was sponsored through Employment Exchange for appointment to the post of Village Assistant. The interview was already conducted and after conducting the interview on 06.10.2015, the results were not published. In this regard, the petitioner states that without publishing the results another recruitment notification was issued by the respondents. Thus, the petitioner is constrained to move the present writ petition for declaration that the subsequent recruitment notification as null and void.

3. This Court is of the considered opinion that mere participation in the process of selection would not confer any right on the candidate who seek declaration of notification as null and void. The original process of interview was conducted based on the list of candidates sponsored by the Employment Exchange. Subsequent notification was issued for fresh selection.

4. The learned Additional Government Pleader appearing on behalf of the respondents made a submission that the writ petitioner had participated in the process of selection. He was unsuccessful in the interview. The next process of selection was conducted in the year 2014 and the name of the writ petitioner was also found place in the selected list. However, the writ petitioner was not appointed on account of the fact that the other candidates, who secured more marks, were appointed. At the outset, the writ petitioner was an unsuccessful candidate in both the selection conducted during the year 2012 as well as in the 2014. However, the present writ petition is filed in respect of the recruitment notification issued during the year 2015. Mere participation in the process of selection would not confer any right. This apart, the writ petitioner was unsuccessful in both the selections conducted during the year 2012 as well as in the year 2014. The said position also clarified by the counter affidavit filed by the fourth respondent and in paragraphs 4 & 5 of the counter are extracted hereunder:-

"4. Further I submit that actually what happened the writ petitioner registered her qualification before third respondent herein District Employment Exchange, Pudukottai, on that grounds her name was recommended by the above said Employment Exchange. According to the recommendation by the Employment Exchange call for letter sent by the Tahsildar, Manamelkudi. The Writ petitioner participated above said interview dated 24.10.2012 and was rejected due to she has no capacity to write and reading and also she was not able to driving the bicycle. On that ground in the year of 2012 she was rejected.

5. Further I submit that subsequently another one was conducted by the second respondent Tahsildar, Manamelkudi dated 12.02.2014 according proceedings Na.Ka.No.5605/13/A3 dated 12.02.2014. The



writ petitioner participated and submit her records interview was conducted once again she was not able to driving the bicycle. But she has improved her writ and reading capacity but she failed to prove the driving the bicycle. On that grounds she was rejected second time."

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5.This Court is of the considered opinion that when the writ petitioner was not selected he cannot seek declaration of the notification as null and void. Subsequent notification in the year 2015 is un-connected with selection already conducted during the year 2012 as well as in the 2014. Thus, the writ petitioner has not established any acceptable grounds for the purpose of considering the relief as such sought for in the present writ petition.

6.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Manamelkudi Taluk,
Pudukottai District.

3.The District Employment Officer,
District Employment Exchange,
Pudukottai.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-73094[F] dated 03/07/2019)

+1 CC to M/s.SPL GP (SR-73495[F] dated 04/07/2019)

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