



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.21773 of 2015

and

M.P.[MD]No.1 of 2015

WEB COPY

K.Saravanan

... Petitioner

Vs.

1.The District Collector,
Tuticorin District, Tuticorin.

2.The Commissioner,
Tiruchendur Panchayat Union,
Tiruchendur, Tuticorin District.

3.The Block Development Officer,
Tiruchendur, Tuticorin District.

4.S.Sankar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to appoint the petitioner to the post of Jeep Driver as per the selection conducted by his proceedings dated 13.02.2014 permanently.

For Petitioners	: Mr.K.Seemaraj
For Respondents 1 & 3	: Mr.D.Muruganantham
	Additional Government Pleader
For Respondent No.2	: Mr.Satheesh Kumar
For Respondent No.4	: No appearance

O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to appoint the petitioner to the post of Jeep Driver as per the selection conducted in proceedings dated 13.02.2014.

2.The learned Counsel for the petitioner states that the writ petitioner had participated in the process of selection for appointment to the post of Jeep Driver. The petitioner registered his name in the District Employment Exchange and his name was sponsored for selection. However, out of two persons who participated in the selection process, the other person Mr.Sudalaimani, was appointed and the writ petitioner was not appointed. The learned Counsel for the petitioner further states



that yet another post of Jeep Driver is available and in that the petitioner is to be appointed.

3. Such a claim set out in the petition is impermissible. The writ petitioner was unsuccessful in the process of selection during the year 2014 and out of two candidates, another person Mr. Sudalaimani got selected. Under these circumstances, the writ petitioner cannot claim appointment merely on the ground that another person is appointed. Appointment can never be claimed as a matter of right. All appointments are to be made strictly in accordance with the recruitment rules in force. Whenever the post of Driver is decided to be filled up, the respondents shall select the candidates by strictly following the procedures. This being the procedures to be followed, mere vacancy would not confer any right on the petitioner to claim appointment. In the event of any recruitment notification, the writ petitioner is at liberty to participate in the process of selection and get appointment only through merit, if he is otherwise eligible.

4. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar (CS-)

MR

To

1. The District Collector,
Tuticorin District, Tuticorin.

2. The Commissioner,
Tiruchendur Panchayat Union,
Tiruchendur, Tuticorin District.

3. The Block Development Officer,
Tiruchendur, Tuticorin District.

+1 CC to M/s. SPL GP (SR-71788[F] dated 27/06/2019)

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ES/08.07.2019/3P/5C