

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 25.07.2019

CORAM:

WEB COPY

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.11391 of 2014****and****M.P. (MD) .Nos.2 and 3 of 2014**

Saraswathi

... Petitioner

Vs.

1. The Secretary to the Government,
Animal Husbandry Department,
Secretariat, Chennai.
2. The District Collector,
Dindigul, Dindigul District.
3. The District Employment Officer,
District Employment Office,
Dindigul.
4. The Regional Joint Director,
Animal Husbandry Department,
Dindigul Zonal,
Dindigul.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pertaining to the impugned list published by the third respondent on 23.07.2012 in DET 1526 Ref.No.A2/5948/2012 and set aside the same and consequently direct the fourth respondent to include the petitioner name for the post of Animal Husbandry Assistant.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to quash the selection list published by the third respondent on 23.07.2012 and direct the fourth respondent to include the name of the writ petitioner for appointment to the post of Animal Husbandry Assistant.



2.The writ petitioner participated in the process of selection for appointment to the post of Animal Husbandry Assistant.

3.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was successfully participated in the interview and secured more marks than that of the selected candidates. Thus, the selection was conducted fraudulently and the petitioner, who had secured more marks, was not appointed to the post of Animal Husbandry Assistant.

4.It is further stated that the writ petitioner is senior in the Employment Seniority. Therefore, the writ petitioner must be appointed at the first instance by considering his employment seniority.

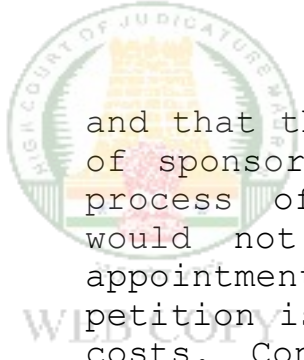
5.This Court is of the considered opinion that the employment seniority is not a criteria for selection. The employment seniority is relevant for the purpose of sponsoring the name of the candidates for selection process. Thus, mere sponsoring of the names of the candidates to the employer for the purpose of selection, would not confer any right on the writ petitioner to claim that the appointment must be made on the basis of the employment registration seniority. This being the principles to be followed.

6.The learned Additional Government Pleader appearing on behalf of the respondents made a submission that the writ petitioner was an unsuccessful candidate and he secured less mark in the interview. Thus, the writ petitioner was not selected. In this regard, it is relevant to extract para No.7 of the counter affidavit filed by the fourth respondent hereunder:

"7.... the petitioner has alleged in para 4 that juniors of the petitioners were selected. It would be pertinent to mention here that the 3rd respondent is only a sponsoring agency and it was not an recruiting agency. The persons sponsored by the 3rd respondent alone would not give any right to be appointed to the sponsored post unless he has the requisite qualification and pass the interview conducted by the recruiting agency. The petitioner has failed in the interview process conducted and se has secured only 32 marks while the Valarmathi secured 39 and Abirami secured 38, who are the persons alleged comparatively scored higher than that of the petitioner. Thus, the petitioner cannot be appointed merely that she has the employment seniority."

<https://hcservices.ecourts.gov.in/hcservices/>

7.The very claim of the writ petitioner is that she is senior in the employment seniority is not a ground to quash the selection



and that the employment seniority is relevant only for the purpose of sponsoring the names of the candidates to participate in the process of selection the employment seniority in registration would not confer any right on the writ petitioner to seek appointment based on the employment seniority. Thus, the writ petition is devoid on merits and accordingly, stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To:

1. The Secretary to the Government,
Animal Husbandry Department,
Secretariat, Chennai.
2. The District Collector,
Dindigul, Dindigul District.
3. The District Employment Officer,
District Employment Office,
Dindigul.
4. The Regional Joint Director,
Animal Husbandry Department,
Dindigul Zonal,
Dindigul.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-77983[F] dated 26/07/2019)

W.P. (MD) No.11391 of 2014

and

M.P. (MD) .Nos.2 and 3 of 2014

25.07.2019

Ns

AE/(02.08.2019) 3P 6C