



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.1357 of 2014

and

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

WEB COPY

M.Thanalakshmi

... Petitioner

-Vs-

1.The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K.Sambath Building,
College Road, Chennai.

2.The Director of School Education,
Chennai.

3.The Chief Educational Officer,
Sivagangai District.

4.The Registrar,
Alagappa University,
Karaikudi, Sivagangai District.

... Respondents

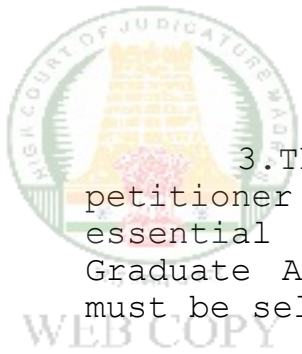
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to select the petitioner as Post Graduate Assistant (Economics) and issue appointment order within a time frame as stipulated by this Court.

For Petitioner	: Mr.D.Sasikumar
For R1	: Mr.V.R.Shanmuganathan, Special Government Pleader.
For R2 and R3	: Mrs.S.Srimathy, Special Government Pleader.
For R4	: Mr.P.Muthuvel, For M/s.Isaac Chambers

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents 1 to 3 to select the writ petitioner to the post of Post Graduate Assistant (Economics) and issue appointment order to the writ petitioner.

2.Appointments can never be claimed as a matter of legal right. All appointments are to be made strictly in accordance with the recruitment rules in force and after verification of educational qualifications acquired by the candidates, who participated in the process of selection.



3.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is having all the essential qualifications for appointment to the post of Post Graduate Assistant (Economics) and therefore, the writ petitioner must be selected and appointed.

4.The learned Special Government Pleader appearing on behalf of the first respondent Board opposed the contentions by stating that the writ petitioner was not within the zone of consideration and therefore, she was not selected.

5.Mere participation in the process of selection would not confer any right on the candidate to file a Writ Petition and seek for a direction to select and appoint the writ petitioner. In respect of the qualification, mere possession of the qualification alone is not a criteria. Only in the event of selection, the writ petitioner can be appointed and not otherwise. In the present case on hand, the direction sought for is to select the writ petitioner and appoint her. Such relief cannot be granted in the absence of establishing that selection process was not conducted in accordance with the law or the process of selection was tainted with malpractice, illegalities or corrupt activities. In the event of not establishing any of these legal grounds, the Court cannot issue any direction to appoint the writ petitioner in a particular post.

6.This being the legal principles to be followed, the writ petitioner only in the event of establishing any illegality can challenge the process of selection and not otherwise. In the present case, the writ petitioner was not selected, as she was not within the zone of consideration. Thus, the writ petitioner has failed to establish any acceptable legal ground for the purpose of considering the relief as such sought for in the present Writ Petition.

7.Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Chairman,
Teacher Recruitment Board,
11001, E.V.K.Sambath Building,
College Road, Chennai.



2.The Director of School Education,
Chennai.

3.The Chief Educational Officer,
Sivagangai District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-82275[F] dated
19/08/2019)

W.P. (MD) No.1357 of 2014
16.08.2019

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