



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14041 of 2014

and

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

and

M.P. (MD) .No.1 of 2015

Maria Sujitha

... Petitioner

Vs.

1.The Regional Joint Director of
Collegiate Education,
Tirunelveli Region,
Tirunelveli-7.

2.St.Jude's College,
Rep by its Secretary
Thoothoor Post-629 176
Kanyakumari District.

3.The Principal,
St.Jude's College,
Thoothoor Post-629 176
Kanyakumari District.

4.L.Mary Cleoda

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to fill up the post of Librarian in the 2nd respondent college by appointing the petitioner in the said post.

For Petitioner : Ms.J.Anandhavalli

For R1 : Mr.D.Muruganantham
Additional Government Pleader

For R2 and R3 : Mr.E.V.N.Siva

For R4 : No appearance

**ORDER**

The relief sought for in the present writ petition is for a direction to direct the respondent Nos.1 and 2 to fill up the post of Librarian in the second respondent College by appointing the petitioner in the said post.

2.The learned counsel appearing for the second and third respondents made a submission that the process of selection for appointment to the post of Librarian was concluded and the fourth respondent was appointed as Librarian in the second respondent College and her appointment was also duly approved by the competent authority of the Directorate of Collegiate Education.

3.Under these circumstances, the prayer as such sought for to direct the respondents 1 and 2 to fill up the Librarian in the second respondent College by appointing the petitioner cannot be considered at all. Even otherwise also, the appointment can never be claimed as a matter of right. However, the learned counsel for the writ petitioner states that the copy of the appointment order has not been served to the writ petitioner.

4.This Court is of the considered opinion, it is not necessary that the copy of the appointment order is to be served to the writ petitioner, as the writ petitioner was not selected. However, if any application is filed by the writ petitioner under the Right to Information Act, seeking the order of appointment issued in favour of the fourth respondent as well as the approval of appointment of the fourth respondent, the first respondent is bound to serve the copy of the order under the provisions of the Right to Information Act. Thus, the writ petitioner is at liberty to submit an application under the Right to Information Act for getting the copy of the appointment order of the fourth respondent, if any such application is made, the first respondent has to consider the same and communicate the copy of the order to the writ petitioner.

5.As far as the relief sought for in the present writ petition is concerned, the 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. The writ petitioner cannot claim that she should be appointed on the pretext that she is the qualified candidate. Mere acquisition of qualification or eligibility would not confer any right on the candidate to seek appointment by submitting a representation. The candidates, who all are aspiring to secure public employment has to participate in the process of selection and secure appointment on merits.

6.This being the principles to be followed the relief as such sought for in the present writ petition cannot be granted. However, the writ petitioner is at liberty to participate in the process of selection, if any notified hereafter.



7. With the above observation, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

The Regional Joint Director of
Collegiate Education,
Tirunelveli Region,
Tirunelveli-7.

+1 CC to Mr.E.V.N.SIVA, Advocate SR-76825.

+1 CC to SPL GP SR-76884.

+1 CC to M/s.J.ANANDHAVALLI, Advocate SR-76842.

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