



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.3714 of 2014
and
M.P. (MD) .Nos.1 and 2 of 2014

J.Robert Jesuraj

... Petitioner

-Vs-

1.The Chief Engineer (Employment)
Tamil Nadu Generation of Electricity and
Distribution Corporation (TANGEDCO)
Formerly Tamil Nadu Electricity Board,
Tamil Nadu Electricity Board Campus,
No.144, Anna Salai, Chennai 600 002.

2.The Director of Employment,
Guindy, Chennai 600 032.

3.The District Employment Officer,
Department of Employment and Training
District Employment Office,
Kanyakumari District at Nagercoil.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders of the 3rd respondent in A2/13792/2013, dated 13.01.2014 and A1/988/2014, dated 08.02.2014 and quash the same and consequently direct the respondents 1 & 2 herein to appoint the petitioner herein as Helper(Electrician) as per his seniority on par with his juniors within a reasonable time.

For Petitioner : Mr.A.Rajkumarsen

For Respondent : Mr.G.Kasinathadurai (for R1)

Mr.S.Dhayalan
Government Advocate
(for R3)



ORDER

The order impugned, dated 13.01.2014, rejecting the claim of the writ petitioner by stating that the employment registration of the petitioner was not renewed and therefore his name was not sponsored for appointment to the post of Helper (Electrician) in the Tamil Nadu Electricity Board.

2.The writ petitioner is a qualified candidate for appointment to the post of Helper (Electrician) in the Tamil Nadu Electricity Board and he registered his name in the Employment Exchange. The writ petitioner states that he periodically renewed employment registration and there is no lapse on the part of the writ petitioner. However, the District Employment Exchange had erroneously omitted the name of the petitioner for sponsoring to the Tamil Nadu Electricity Board. The learned counsel appearing on behalf of the writ petitioner states that the petitioner has renewed his employment registration periodically. However, the authorities have erroneously not sponsored the name of the writ petitioner.

3.The learned Government Advocate appearing on behalf of the third respondent made a submission that the third respondent / Assistant Director of District Employment Exchange had categorically narrated the lapse of registration in respect of the writ petitioner in paragraph No.3, which is extracted hereunder:-

"..3.It is submitted that the petitioner has to renew his registration during May 2013. But the petitioner has failed to renew his registration till July 2013 even after the grace period of three months from May to July. The petitioner has renewed his registration only on 30.08.2013 by availing the 18 months renewal concession given by the Government. The list of eligible candidates was prepared on 16.08.2013 by the second respondent and sent to the third respondent i.e. District Employment Officer, Nagercoil for verification of the candidates particulars.."

It is stated in the counter that the writ petitioner had not renewed his registration and therefore, his name was not sponsored to the employer for selection to the post of Helper (Trainee).

4.This apart, the process of selection during the relevant point of time was concluded long back. Further, the recruitment process underwent changes and now the posts are to be filled up only through the open competitive process. Under these circumstances, the writ petitioner cannot seek the relief as such and sought for a direction to appoint the writ petitioner. Appointment per se cannot be claimed as a matter of legal right. Only the person who have



selected alone can claim appointment and in the present case, the name of the writ petitioner was not sponsored even for participation in the process of selection. Thus, the relief as such sought for to provide appointment to the writ petitioner cannot be granted. This apart, the employment registration of the writ petitioner during the relevant point of time was not renewed as per the counter filed by the third respondent. The writ petitioner could not able to establish that he had renewed his registration and under these circumstances, the writ petitioner is at liberty to participate in the process of selection, if any, notified for appointment to the post of Helper (Trainee) in the Tamil Nadu Electricity Board in future. However, direction to appoint the writ petitioner cannot be granted in the present writ petition as sought for.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar (CS)

To

The District Employment Officer,
Department of Employment and Training
District Employment Office,
Kanyakumari District at Nagercoil.

+1 CC to M/s.A.RAJKUMAR SEN, Advocate (SR-82164[F] dated 19/08/2019

+1 CC to M/s.G.KASI NATHA DURAI, Advocate (SR-82390[F] dated 20/08/2019)

+1 CC to M/s.SPL GP (SR-82457[F] dated 20/08/2019)

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sj i

JMN(09.09.2019) 3P : 5C