



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.8659 of 2014

and

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

K.Sankar Ganesh

... Petitioner

-Vs-

The District Educational Officer,
Thoothukudi District, Thoothukudi.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings of the respondent in Mu.Mu.No.2711/A1/2013, dated 04.04.2014 quash the same and direct the respondent to appoint the petitioner to the post of Office Assistant or any post in clause III of Tamilnadu Basic Service Rules within the time stipulated by this Court.

For Petitioner : Mr.R.V.Rajkumar

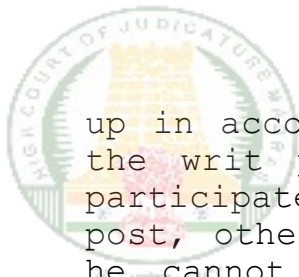
For Respondent : Mrs.S.Srimathy
Special Government Pleader

ORDER

The order of rejection, dated 04.04.2014, rejecting the claim of the writ petitioner to appoint him to the post of Office Assistant, is under challenge in the present writ petition.

2.The Government issued G.O.Ms.No.47, School Education (R1) Department, dated 02.03.2012, creating certain non-teaching staff and pursuant to the orders of the Government. The writ petitioner was appointed as a Sweeper in the time scale of pay. However, the writ petitioner now claims that he is qualified for appointment to the post of Office Assistant and therefore, he must be appointed as Office Assistant by way of transfer of service.

3.Appointment can never be claimed as a matter of right. The writ petitioner was selected and appointed to the post of Sweeper and is working. The post of Office Assistant to be filled



up in accordance with the recruitment rules in force. If at all, the writ petitioner is fully qualified and eligible, he has to participate in the process of selection for appointment to any other post, other than the post in which, he was appointed. Contrarily, he cannot simply submitted a representation for the purpose of securing appointment to other post by way of transfer of service. Even appointment by way of transfer of service, the same is to be done in accordance with the recruitment rules in force. This being the principles to be followed, the rejection of the claim of the writ petitioner is in consonance with the legal principles and there is no infirmity. The person who is appointed to the post of Sweeper cannot seek any conversion for further appointment to the post of Office Assistant. This being the factum, the writ petitioner has not established any acceptable legal grounds for the purpose of considering the relief, as such sought for in the present writ petition.

3. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

The District Educational Officer,
Thoothukudi District, Thoothukudi.

+1 CC to M/s.SPL GP (SR-83533[F] dated 27/08/2019)

+1 CC to M/s.R. V. RAJKUMAR, Advocate (SR-83952[F] dated 28/08/2019

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26.08.2019

sjj

JMN(09.09.2019) 2P : 4C