



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2019

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P(MD)No.20816 of 2015

and

M.P(MD)No.1 of 2015

BHEL Physically Challenged  
Welfare Association,  
BHEL, Trichirappalli,  
By its Secretary,  
A.Ranjit,  
BHEL Physically Challenged  
Welfare Association,  
BHEL Trichy.

... Petitioner

Vs

1.Bharat Heavy Electricals Ltd.,  
BHEL Corporate Office,  
BHEL House, Siri Fort,  
New Delhi,  
Represented by its  
Managing Director,  
Bharat Heavy Electricals  
BHEL Corporate Office,  
BHEL House, Siri Fort, New Delhi.

2.The Deputy General Manager (HR)  
BHEL Ltd.,  
Corporate Office,  
Advan, Noida, New Delhi.

3.The Executive Director,  
BHEL Ltd.,  
Thiruverembur, Trichy.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent modified advertisement No.4/2015 for the special recruitment drive for persons with disabilities dated 03.11.2015 and quash the same as illegal and direct the respondents to conduct the recruitment process as per the advertisement dated 12.09.2015 in Employment news (Vol.XL.No.24, 12<sup>th</sup> Sep to 18<sup>th</sup> Sep Edition).

<https://hcservices.ecourts.gov.in/hcservices/> For Petitioner : Mr.S.Muthukrishnan

For R1 to R3 : Mr.A.V.Arun

**ORDER**

The grievance of the writ petitioner is that on account of modified notification issued by the respondents, the writ petitioner had lost his opportunity to participate in the process of selection.

2. The learned counsel appearing on behalf of the writ petitioner states that the first notification was issued and the writ petitioner was eligible to participate in the selection as per first notification. Without even conducting any selection based on the first notification, the respondents had withdrawn the notification and issued a modified notification in proceedings dated 3.11.2015 in advertisement No.4 of 2015.

3. The notification is in relation to the Special Recruitment Drive For Persons With Disabilities. In the event of continuing the first notification, the writ petitioner would get opportunity. In view of the modified notification, the chances of the several differently abled persons are denied.

4. This Court is of the considered opinion that the Special Recruitment Drive is the administrative decision of the respondents. Appointment cannot be claimed as a matter of legal right.

5. The learned counsel appearing on behalf of the respondents states that even before the commencement of the submission of the application, the first notification was withdrawn. In this regard, the first notification was withdrawn on 24.10.2015 even before the opening of the online application enabling the eligible candidates to submit their applications. This being the factum, the writ petitioner cannot challenge the modified notification. If the writ petitioner is otherwise qualified and eligible he is also at liberty to participate in the Special Recruitment Drive. When the appointment itself cannot be claimed as a matter of right, modification of notification done before the commencement of submission of application cannot be set to be illegal. If the employers are of the opinion that some errors occurred or certain conditions are to be incorporated or deleted then they are at liberty to do so before the issuance of application form or before accepting any form from the candidates.

6. In the present case on hand, the modified recruitment notification was issued even before commencement of the date for submission of application form. This being the factum, there is no irregularity in the revised notification issued for Special Recruitment Drive for persons with disability and accordingly, the writ petitioner is at liberty to participate in the process of selection if any notified or as per the notification already issued.



7. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar (CS- )

+1 CC to M/s.S.MUTHUKRISHNAN, Advocate  
( SR-75099[F] dated 12/07/2019 )

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**W.P(MD)No.20816 of 2015**

ES/23.07.2019/3P/2C