



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.9592 of 2015

Muthu Lingam

... Petitioner

vs.

1.The Deputy Manager (HRM)
Nuclear Power Corporation of India Ltd.,
Koodankulam Nuclear Power Project
Koodankulam Post
Radhapuram Taluk
Tirunelveli District

2.The District Collector
Tirunelveli District
Tirunelveli

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 1st respondent to pass an order recruiting the petitioner in the post of Stipendiary Trainee (Scientific Assistant-C) - Mechanical called for vide Advertisement No.KKNPP/HRM/1/2011 dated 23.05.2011 as well as its consequential Advertisement No.KKNPP/HRM/1A/2011 dated 26.07.2012 in the light of the undertaking referred to in the proceedings of the 2nd respondent vide Na.Ka.No.C3.2854/98 signed on 26.3.1999.

For Petitioner : Mr.R.Anand

For Respondents : Mr.Krishna Srinivasan
for M/s.S.Ramasubramaniam Associates for R1
Mr.C.Ramar
Additional Government Pleader for R2

ORDER

The relief sought for in the present writ petition is to direct the first respondent to pass orders recruiting the writ petitioner for the post of Stipendiary Trainee (Scientific Assistant-C) - Mechanical, called for vide Advertisement No.KKNPP/HRM/1/2011, dated 23.05.2011, as well as the consequential Advertisement No.KKNPP/HRM/1A/2011, dated 26.07.2012, in the light of the undertaking referred to in the proceedings of the second respondent, vide Na.Ka.No.C3.2854/98, signed on 26.3.1999.



2. The grievance of the writ petitioner is that lands were acquired for developing Nuclear Power Corporation of India Limited, at Koodankulam, from his family. In respect of the land acquisition proceedings, a certificate was issued to him for the purpose of claiming priority for employment under the land losers category. The writ petitioner states that a recruitment notification was issued in the advertisements dated 23.05.2011 and 26.07.2012. With reference to the said notification, the case of the writ petitioner may be considered for appointment to the above mentioned post.

3. This Court is of the considered opinion that appointment can never be claimed as a matter of right. Appointments are to be made strictly in accordance with the recruitment rules in force. Undoubtedly, if the writ petitioner is falling under the priority category, then his case is to be considered with reference to the recruitment rules in force. If provisions are available for giving preference to the land losers category and priority quota is provided to accommodate the land losers, then the case of the writ petitioner is also to be considered along with all other eligible candidates in accordance with the recruitment rules in force. However, the direction sought for in the present writ petition to grant appointment to him cannot be considered. In view of the fact that the writ petitioner claims that he is a land loser, priority, if any provided in the rules, is to be extended to him, whenever the process of appointment is undertaken by the respondents in accordance with the rules in force.

4. With these clarifications, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AE)

/ True Copy /

Sub Assistant Registrar (CS-)

To:

The District Collector,
Tirunelveli District,
Tirunelveli.

+1 CC to M/s.SPL GP (SR-75703[F] dated 17/07/2019)

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