



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD) No.15919 of 2013

and

M.P. (MD) Nos.1 and 2 of 2013

A.G.George Sunil Singh

... Petitioner

Vs

1.The Managing Director,
Tamilnadu State Transport Corporation,
Transport Bhavan,
Chennai.

2.The General Manager,
Nagercoil Region,
Tamil Nadu State Transport Corporation,
Ranithottam,
Nagercoil,
Kanniyakumari District.

3.The District Employment Officer,
Nagercoil,
Kanniyakumari District.

... Respondents

PRAYER: 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 letter in No.6363-1/A3/ தநா.அபோக(திலி)/நாகா/2012 dated 16.03.2013 and quash the same and direct the respondent to verify whether the list of seniority is correctly followed in interview letter in No.6363-1/A3/தநா.அபோக(திலி)/நாகா/2012 dated 20.06.2013 and consequently direct the respondent to provide employment to the petitioner for post of Diesel Mechanic in the office of the second respondent as per the seniority list sent by the third respondent.

For Petitioner : Mr.C.M.Arumugam

For R1 and R2 : Mr.K.Santhyasingh

For R3 : Mr.K.Mu.Muthu,
Additional Government Pleader

**ORDER**

The grievance of the writ petitioner is that the petitioner registered his name in the District Employment Exchange at Nagercoil during the year 1996 and thereafter completed the apprenticeship course during the year 1998 -1999. In view of the fact that the writ petitioner registered his name in the year 1996 in the Employment Exchange, he is entitled to be considered for appointment to the post of Mechanic in the Tamil Nadu State Transport Corporation. The writ petitioner is waiting for several years with a fond hope that he will get an appointment in the Transport Corporation and his aspiration went in vain. Hence, the present writ petition came to be filed.

2. An appointment can never be claimed as a matter of right. Appointments should be made strictly in accordance with the recruitment Rules in force. The competent authorities while undertaking the process of selection must follow the Rules in force scrupulously and by providing equal opportunity to all the eligible candidates who all are aspiring to get employment by participating in the open competitive process. Mere registration of the name of a candidate in the District Employment Exchange would not confer any right on him to seek or claim appointment. The registration of names in the Employment Exchange is a facility provided by the State Government and it is not a guarantee for appointment. Equal opportunity to all, is a constitutional mandate. All appointments are to be made only by following the Procedures and Rules. Employment Exchanges are maintained by the State Government to ensure equal opportunity in public employment to the citizen at large. Therefore such a facility is granted by the State would not confer any right on the candidate to seek appointment as a matter of right.

3. Thus, mere registration of the name of the writ petitioner in the employment exchange cannot be considered as a promise for providing appointment in the Tamil Nadu State Transport Corporation. Whenever the opportunity comes, the writ petitioner can avail the same. By filing the writ petition, he cannot secure public employment. The writ petitioner can participate in the open competitive selection process for the purpose of securing public employment. The writ petitioner, if at all able to establish that the employment office has violated the Rule of seniority or the procedures or if there is any *mala fide* in the process of selection, then alone, a writ petition can be entertained and not otherwise. However, no such allegation is raised in the present writ petition and this writ petition is devoid of merit.



4. Accordingly, this writ petition is dismissed. No costs.
Consequently connected miscellaneous petitions are also closed.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

pnn

To

The District Employment Officer,
Nagercoil,
Kanniyakumari District.

+1CC TO MR.K.SATHIYA SINGH, Advocate Sr. No.67184
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.67049

W.P. (MD) No.15919 of 2013

and

M.P. (MD) Nos.1 and 2 of 2013

04.06.2019

GRC (CO)

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