



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**W.P.(MD)No.16847 of 2013andM.P.(MD)No.1 of 2013

P.Senthil Kumar

... Petitioner

-Vs-

1.The Director of Technical Education
Office of the Directorate of Technical Education,
Chennai-600 025.

2.The Chairman,
The Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-600 006.

3.K.Muruganandan ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents herein to appoint the petitioner herein in the B.C., (Blind) vacancy for the post of Lecturer (English) at Government Polytechnic College, S.Kollur Village, Tirukottur Taluk, Villupuram District, within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.K.Appadurai

For R1 : Mr.D.Muruganantham
Additional Government Pleader

For R2 : Mr.V.R.Shanmuganathan
Special Government Pleader

For R3 : No Appearance

ORDER

Admittedly, the writ petitioner was not selected for appointment to the post of Lecturer in the Government Polytechnic College. Final result published denotes that the writ petitioner was not selected. Under these circumstances, the present writ petition is filed seeking direction to the respondents to appoint the writ petitioner in BC (Blind) Vacancy for the post of Lecturer



(English) at Government Polytechnic College, S.Kollur Village, Tirukottur Taluk, Villupuram District.

2. The grievance of the writ petitioner is that he was allowed to participate in the process of certificate verification. He secured 115 marks. Another candidate, who secured 118 marks was appointed, but not joined in the post. The next candidate, who secured 117 marks and the writ petitioner, who secured 115 marks was not selected and appointed, despite the fact that the candidate who secured 118 marks had not joined in the post pursuant to the order of appointment.

3. Such claim set out in the present writ petition deserves no merits consideration, in view of the fact that the writ petitioner was not selected by the authorities competent. The writ petitioner was not included in the reserve list or otherwise. In the absence of any such provisions, to consider the next candidate in the order of seniority, the claim of the petitioner cannot be considered. This apart once the candidate was not selected, he has no right to seek appointment to the post of lecturer.

4. Mere participation in the process of selection and certificate verification would not confer any right on the candidate to seek appointment by filing writ petition. Even at the stage of selection the authorities competent are empowered to verify the qualifications and other criterias and disqualify the candidate and in the present case, admittedly, the writ petitioner secured less marks than the other candidate and therefore, he was not selected. The communication sent to the writ petitioner shows that the writ petitioner was not selected.

5. The contention of the learned counsel for the writ petitioner that the first candidate, who was issued with an order of appointment had not joined in the post, can never be a ground to seek appointment to the writ petitioner.

6. The process of selection once concluded, it has to be proceeded in accordance with the rules in force. In the present case the persons, who were selected, were issued with an order of appointment. In the event of non-joining, the competent authorities cannot select a candidate from the non-selected candidates. They should take a decision to conduct a fresh selection process. If any provision of reserved list is there, then the reserved list may be released. However, the candidate, who was not selected, can never be appointed in the process of selection and in the event of issuing such appointment, the very purpose of selection would be defeated.

7. The very concept of selection is to ensure that the candidates, who succeed in the process of selection alone are to be considered for appointment to the post, for which the notification was issued. Once the candidate was disqualified as not selected then, the question of considering the candidate for appointment does not arise at all.



8. This being the legal principles to be followed, admittedly, the writ petitioner was not selected for appointment to the post of Lecturer and therefore, considering his name for appointment to the post of Lecturer would not arise at all. The writ petitioner, if at all wants to get appointment, he has to participate in the selection process, if any notified by the competent authorities.

9. With these observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Director of Technical Education
Office of the Directorate of Technical Education,
Chennai-600 025.

2.The Chairman,
The Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-600 006.

+1cc to Mr.K.APPADURAI, Advocate, SR.No. 67794
+1cc to M/s.Special Government Pleader,SR.No. 67909

W.P. (MD) No.16847 of 2013
10.06.2019

TA
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