

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.08.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP No.11583 of 2020

S.Kumar

.. Petitioner

Vs

1. The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

2. The Assistant Director,
(Panchayat),
Office of Block Development Office,
Cheyyar,
Tiruvannamalai District.

3. The Block Development Officer,
Office of the Block Development Office,
Cheyyar,
Tiruvannamalai District.

4. The Panchayat President,
Enathavadi Panchayat,
Cheyyar Taluk,
Tiruvannamalai District.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to provide the Tank Operator employment to the petitioner in Enathavadi Village by considering the petitioner's representation dated 15.07.2020 and 20.07.2020 within a stipulated time.

For Petitioner : Mr.A.Ilayaperumal

For Respondents : Mr.P.V.Selvakumar
Additional Government Pleader

O R D E R

This matter was taken up today, through web hearing.

2. The petitioner has approached this Court, seeking the following relief:

"for issuance of a Writ of Mandamus, directing the respondents to provide the Tank Operator employment to the petitioner in Enathavadi Village by considering the petitioner's representation dated 15.07.2020 and 20.07.2020 within a stipulated time."

3. The case of the petitioner is that he has completed 10th standard in the year 1997 and had also registered his name in the District Employment Exchange in Thiruvannamalai on 13.03.2000. According to him, he hails from a very poor background and so far he has not secured any employment for himself.

4. According to the petitioner, there is a vacancy in the post of Tank Operator in the 4th respondent Panchayat, which has not been filled up for some time. Therefore, a representation was made on 15.07.2020 to the 4th respondent to appoint him in that post against that vacancy. According to the petitioner, he has also submitted an online petition on 15.07.2020 to the Chief Minister's Special Cell.

5. According to the petitioner, he is 40 years old and any delay in filling up the vacancy, may result in denial of an opportunity for the petitioner as a consequences of petitioner crossing the age limit. Moreover, the petitioner also apprehends that the 4th respondent may fill up the vacancy by appointing any one of his relatives, under which case, he would never get an opportunity to be considered for the said appointment. Therefore, he is before this Court, seeking direction to the respondents to provide him employment as Tank Operator on the basis of his representations.

6. This Court is of the clear view that the writ petition cannot be entertained merely on the basis of self serving averments of the petitioner regarding the vacancy position in respect to the Tank Operator post in the 4th respondent Panchayat. The affidavit is bereft of any details as to the existence of vacancy of said post in the first place, and why it has not been filled up so far and what is the procedure normally adopted for filling up such posts. In the absence of any details, the petitioner cannot claim to have any right to be considered for employment in public service, just because he has registered his name in the District Employment Exchange.

7. The affidavit on the whole, does not disclose any cause of action presently for the petitioner to approach this Court, seeking a direction as prayed for. In the absence of any specific cause of action, no direction could be issued by this Court exercising its extraordinary jurisdiction under Article 226 of the Constitution of India. Only when any action is being initiated for filling up of the posts, a cause of action is set to arise and in such event, if the petitioner is aggrieved by his non-consideration for the appointment, it is open to him to approach this Court and not at this stage, when absolutely there is no cause of action.

8. Therefore, this Court is of the view that the writ petition is highly premature and cannot be entertained and hence, dismissed. No Costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

2. The Assistant Director,
(Panchayat),
Office of Block Development Office,
Cheyyar,
Tiruvannamalai District.

3. The Block Development Officer,
Office of the Block Development Office,
Cheyyar,
Tiruvannamalai District.

+1cc to M/s.A.Ilayaperumal, Advocate in SR no.27928

WP No.11583 of 2020

RSV (CO)
RV (11/09/2020)