



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.11.2020**

CORAM:

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

W.P. (MD)No.10822 of 2014

and

M.P. (MD)No.1 of 2014

WEB COPY

T.Bhaskar

... Petitioner

Vs

1.The District Collector,
Thanjavur.

2.The District Employment Officer,
Thanjavur.

3.The Assistant Director (Town Panchayat),
Panagal Buildings, Thanjavur.

4.The Executive Officer,
Orathanadu Town Panchayat,
Orathanadu.

5.The President,
Orathanadu Town Panchayat,
Orathanadu.

6.The Tahsildar,
Orathanadu Taluk,
Orathanadu.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to appoint the petitioner for the post of sweeper in where the Saravanan S/o.Murugaiyan was appointed and dismissed for producing bogus certificate.

For Petitioner	: Mr.V.Jeyarani
For R1 to R3, R5	: Mr.G.Arjunan
and R6	Government Advocate
For R4	: Mr.N.S.Karthikeyan

ORDER

The relief sought for in the present writ petition is to direct the respondent to appoint the petitioner in the post of Sweeper on the ground that one Mr.Saravanan has been appointed and subsequently dismissed from service for production of bogus certificate.

2. The claim of the writ petitioner rests on the ground that one Mr.Saravanan, appointed as Sweeper in Orathanadu Town Panchayat
<https://hcservices.ecourts.gov.in/hcservices/>



has been subsequently dismissed on the ground that he had produced bogus certificate. Therefore, the writ petitioner is to be appointed. The petitioner states that he participated in the process of interview and produced all the certificates and he is fully qualified and eligible for appointment to the post of Sweeper and he belongs to Scheduled Caste Community. Thus the case of the writ petitioner is to be considered for appointment in view of the fact that the said Saravanan, who was already appointed was dismissed from service.

3. The relief sought for in the writ petition is misconceived. The appointment can never be claimed as a matter of right. All appointments are to be made strictly in accordance with law and the recruitment Rules in force. Equal opportunity for all the eligible candidates, who are all aspiring to secure public employment by participating in the process of selection, is the constitutional mandate. Thus, mere dismissal of an employee from service would not provide any right for the writ petitioner to claim appointment. The writ petitioner has to participate in the process of selection and by availing the benefit of reservation for Scheduled Caste, he can secure appointment. Contrarily, he cannot file a writ petition for a direction to appoint him in the post of Sweeper. This being the factum, the petitioner has to participate in the process of selection, if he is otherwise qualified and eligible for appointment.

4. With the above observations, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.



To

1.The District Collector,
Thanjavur.

2.The District Employment Officer,
Thanjavur.

3.The Assistant Director (Town Panchayat),
Panagal Buildings, Thanjavur.

4.The Tahsildar,
Orathanadu Taluk,
Orathanadu.

+1 CC to M/s.SPL GP (SR-21610[F] dated 09/11/2020)

W.P. (MD) No.10822 of 2014
05.11.2020

CK(CO)

KB(19.11.2020) 3P 6C