



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 05.11.2020**

**CORAM**

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

**W.P. (MD)No.12214 of 2014**

**and**

**M.P. (MD)Nos.1, 2 & 3 of 2014**

WEB COPY

H.Satheesh

... Petitioner

**Vs.**

1.The Secretary of the Government of India,  
Ministry of Shipping, Ports wing,  
Transport Bhawan, No.1-Parliament Street,  
New Delhi-1.

2.The Chairman,  
V.O.Chidambaranar Port Trust,  
Tuticorin-628 004.

3.The Deputy Conservator,  
V.O.Chidambaranar Port Trust,  
Tuticorin-628 004.

... Respondents

**Prayer**: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned advertisement dated nil published by the third respondent in its official website and quash the same as arbitrary, discriminatory, unfair and unjustifiable and consequently direct the respondent to give appointment to the petitioner as Fire Man at V.O.Chidambaranar Port Trust, Tuticorin according to the panel prepared in pursuance of advertisement dated 26.09.2009.

For Petitioners : Mr.Y.Krishnan

For R1 : Mr.S.Jeyasingh,  
Central Government Standing Counsel

For R2 & R3 : No Appearance

**ORDER**

The grievance of the writ petitioner is that he participated in the process of selection by attending interview and he was appointed to the post of Fireman by the Service



Selection Committee of the respondent port trust. After selection to the post of Fireman, the selection list/panel list was placed before the Board of Trustees for approval for the release of appointment order and its meeting held on 29.07.2011. The Board of Trustees passed a resolution according approval for release of appointment order of nine panelled candidates including the writ petitioner vide Agenda No.16. However, the second respondent has not issued the order of appointment. The petitioner was contacted the second respondent frequently to issue the appointment order. There was a long delay and no appointment order has been issued. The list of selected candidates was sent for the approval of the Ministry. However, no appointment order has been issued to the writ petitioner. The selection occurred in the year 2010. The physical fitness test was conducted on 26.03.2010 and the interview was conducted on 27.03.2010. The petitioner was hopefully waiting for the order of appointment. However, after a lapse of about four years, a fresh notification was issued inviting applications from eligible candidates for appointment to the post of Fireman through direct recruitment. The said recruitment notification is under challenge in this writ petition.

2.The writ petitioner states that he is a selected candidate for the post of Fireman and the selection was also approved, however, no appointment order was issued. By delaying the order of appointment, a fresh advertisement was published inviting applications from the eligible candidates for appointment to the post of Fireman through direct recruitment.

3.The petitioner raised his claim based on the selection that already done for the appointment to the post of Fireman. This Court is of the considered opinion that mere selection for a post would not confer any right on the candidates to seek appointment. The employer has got every right to cancel the selection on the Administration ground or otherwise. The selected candidate cannot have any right over the selection nor seek a direction to issue an appointment order. The writ petitioner is challenging the subsequent recruitment notification, based on his selection done in the year 2010. Subsequent recruitment notification was issued in the year 2014 cannot provide cause for the writ petitioner to challenge the same, merely on the ground that he was selected in the year 2010.

4.At the outset, the selection would not confer any right, unless the order of appointment is issued. Admittedly, in the present case, the order of appointment was not issued so far. This being the factum, the writ petitioner has no right to challenge the subsequent recruitment notification. Contrarily, he is at liberty to participate in the process of selection, if any notification is issued.



5. With this clarification, this writ petition is dismissed.  
No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Gns

To

1. The Secretary of the Government of India,  
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+1 CC to Mr.S.JEYASINGH, Advocate ( SR-21377[F] dated 06/11/2020 )

+1 CC to SGP ( SR-21442[F] dated 06/11/2020 )

W.P. (MD) No.12214 of 2014

05.11.2020

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