



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.9386 of 2014

and

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

WEB COPY

E.Edwin Sujan

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Commissioner,
Alwar Thirunagari Panchayat Union,
Thenthiruperai, Tuticorin District. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records of the first respondent made in ந.க.எண்.,வ66/9666/2014, dated 29.05.2014 and quash the same as devoid of merits and direct the respondents to appoint the petitioner as Jeep Driver in the second respondent office based on the petitioner's interview dated 31.07.2008 and the representation dated 25.08.2008 within the period stipulated by this Court.

For Petitioner	: Mr.Ananth C.Rajesh
For R1	: Mr.G.Arjunan Government Advocate
For R2	: Mr.G.Muthukannan

ORDER

The relief sought for in the present writ petition is to quash the order of rejection dated 29.05.2014 rejecting the claim of the petitioner to appoint him as Jeep Driver and to direct the respondents to appoint the writ petitioner as Jeep Driver in the second respondent office.

2.The petitioner states that he is fully qualified to hold the post of Jeep Driver. He participated in the process of interview held on 31.07.2008 and the petitioner along with two other persons namely one Mr.Selvaraj and another Mr.Muthukumar also participated in the process of interview. Mr.Selvaraj was awarded 70 marks and Mr.Muthukumar was awarded 60 marks. However, the petitioner was awarded lesser marks and accordingly, not selected.

3.The grievance of the writ petitioner is that he performed well in the interview and was successful in the skill test. The



appointments were made in suspicious manner and therefore, the writ petitioner earlier filed W.P.(MD)No.7901 of 2008 seeking a direction to appoint the petitioner as driver. This Court passed an order directing the first respondent to consider the representation in accordance with law. Subsequently, the petitioner filed another writ petition in W.P.(MD)No.2636 of 2014 with a prayer to direct the respondents to consider him for appointment to the post of Jeep Driver. This Court passed an order directing the first respondent to dispose of the representation on merits. Pursuant to the said order of the Court, the impugned order is passed in proceeding dated 29.05.2014. The impugned order states that the petitioner had not submitted all relevant documents during the interview. He has not submitted his ex-serviceman certificate and the said fact was informed to him through a letter. The post of Jeep Driver is to be filled up by inviting the list of candidates from the employment exchange concerned. The earlier Jeep Driver Mr.Muthu Kumar, who was appointed on 14.08.2008, died on 10.11.2013 and the said post became vacant. However, the post is to be filled up only by following the procedures contemplated and by inviting the list of eligible candidates from the employment exchange as per the seniority.

4.This Court is of the considered opinion that appointment can never be claimed as a matter of of right. All appointments are to be made strictly in accordance with the Recruitment Rules in force. Equal opportunity in public employment is a constitutional mandate. All persons, who all are eligible and aspiring to secure public employment, must be provided with an opportunity to participate in the process of selection in accordance with law. Thus, mere filing a writ petition or sending a representation to the authorities concerned would not confer any right on the writ petitioner to seek a direction for appointment. If at all, there is any illegality or malpractice or corrupt activities in the process of selection, the said aspects are to be substantiated or established by the writ petitioner before the Court of law. In the absence of any materials to establish such an illegality, assessment made by the Selection Committee became final. The assessment regarding eligibility and suitability of a candidate for appointment to a particular post made by the Interview Committee cannot be questioned before the Court of law in a routine manner. While questioning the process of selection, there must be sufficient evidence to establish that the selection was not conducted in accordance with procedure established or there was an illegality in the process of selection. This being the principles to be adopted, while entertaining the writ petition seeking appointment, the petitioner, who had participated in the process of interview and not selected by the Committee, cannot seek any appointment by filing a writ petition.

5.The writ petition is now aged about 48 years. This being the facts, the writ petitioner has not established any acceptable ground for the purpose of considering the relief and accordingly, the writ



petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

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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

The District Collector,
Tuticorin District,
Tuticorin.

W.P. (MD)No.9386 of 2014
and
M.P. (MD)Nos.1 & 2 of 2014
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