



WEB COPY

W.P.(MD) No.4617 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.4617 of 2021

and

W.M.P (MD) Nos.3714, 3715 and 3716 of 2021

M.Chandrasekar

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Adi Diravidar and Tribal Welfare Department,
Secretariat, Chennai.
- 2.The Commissioner of Adi Diravidar,
O/o.Adi Diravidar Welfare Department,
Chepauk, Chennai.
- 3.The District Adi-Dravidar and Tribal Welfare Officer,
O/o. Adi-Dravidar and Tribal Welfare Department,
Trichy, Trichy District.
- 4.S.Akila,
Cook,
Government Girls Hostel,
Kattur, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to impugned order passed by the third respondent in his proceedings in ந.க.எண்.ம4/19616/2020 dated 22.01.2021 and quash the same as illegal and consequently to direct the third respondent to consider the name of the petitioner for the appointment to the post of Cook taking into account of his educational qualification and other eligibility criteria within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For R-1 to R-3 : Mr.S.Dhayalan
Government Advocate



O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner herein had participated in the selection process for the post of Cook pursuant to the advertisement dated 19.09.2020, calling for application to the said post. The case of the petitioner is that though she was called for an interview on 14.12.2020, she was not selected. It is the further case that the fourth respondent herein was not qualified to be appointed to the said post. In this background, the present writ petition has been filed challenging the appointment of the fourth respondent with consequential prayer seeking for a direction to the third respondent to appoint the petitioner to the post of Cook.

3.Insofar as the first portion of the prayer in this writ petition is concerned, if at all the petitioner is of the view that the fourth respondent is unqualified to be selected to the post of Cook, the respondents would be the proper authorities to answer his objection. It is stated that the petitioner had given a representations dated 12.02.2021 and 16.02.2021 questioning the appointment of the fourth respondent.

4.In this background, the second respondent herein is called upon to consider the petitioner's representations dated 12.02.2021 and 16.02.2021, on its own merits and pass orders as expeditiously as possible. It is made clear that this Court has not expressed any of its view or opinion with regard to the petitioner's allegation in the representations.

5.Insofar as the consequential relief, wherein, the petitioner has sought for directing the respondents to appoint him to the post of Cook is concerned, there is no regulation or rule or precedent that when an applicant is called for an interview in a selection process, he should be automatically considered for a post which may fall vacant. The petitioner is unable to point out any such law in this regard. Merely because the petitioner has participated in the selection process and he has been called for an interview, it will not give him any right or entitle him to be appointed to the said post and it would be the prerogative of the respondents to take into consideration the qualification of the candidates and appoint a qualified person to the post. Even assuming that a vacancy arises in future, the only mode of filling up the vacancy would be through another selection process, in which the petitioner may be entitled to participate, subject to being qualified to participate. As such, I do not find any merit in the present writ petition.



6. Accordingly, this Writ Petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar (CS)

cp

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 Secretary to Government,
State of Tamil Nadu,
Adi Diravidar and Tribal Welfare Department,
Secretariat, Chennai.

2. The Commissioner of Adi Diravidar,
O/o. Adi Diravidar Welfare Department,
Chepauk, Chennai.

3. The District Adi-Dravidar and Tribal Welfare Officer,
O/o. Adi-Dravidar and Tribal Welfare Department,
Trichy, Trichy District.

+1 CC to M/s. AJMAL ASSOCIATES, Advocate (SR-9383[F] dated 08/03/2021)

+1 CC to M/s. SPL GP (SR-9518[F] dated 08/03/2021)

Order made in

W.P. (MD) No.4617 of 2021

05.03.2021

smv (CO)

TR(07.04.2021) 3P 6C