



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.5559 of 2014

K.Gnanasekaran

... Petitioner

-Vs-

1. The District Employment Officer,
Employment Exchange Office,
Villupuram District.
2. The District Educational Officer,
Villupuram
Villupuram District.
3. The District Collector,
Villupuram,
Villupuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records pursuant to the order of the 2nd Respondent in Na.Ka.No.7611/A1/2013 dated 20.01.2014, quash the same and consequently, direct the 2nd Respondent to appoint the petitioner any one of the post available in the 2nd Respondent.

For Petitioner : Mr. K.Sudhakar

For Respondents : M/s.S.Anitha
[R1 to R3] Special Government Pleader

O R D E R

The order rejecting the claim of the writ petitioner for appointment to the post of Sweeper in Education Department is under challenge in the present writ petition.

2. The petitioner states that he had completed SSLC and registered his name in the District Employment Exchange. The petitioner states that he is fully qualified for selection and



appointment to the post of Sweeper in School Education Department. He participated in the interview held on 07.06.2012 by the second respondent/District Educational Officer. The petitioner states that he performed well and expecting for an order of appointment. However no appointment order was served to the writ petitioner.

3. The learned counsel for the petitioner states that the petitioner was selected for the post of Scavenger during the relevant point of time, but an order of appointment was not issued and the attempt made by the petitioner in this regard also went in vain. The learned counsel for the petitioner contended that a legal notice was issued to the respondents and subsequently, he filed a writ petition in W.P.No.33802 of 2013 and in the said writ petition, this Court directed the second respondent to reconsider the issues. After reconsidering the issue, the second respondent passed the present impugned order in proceedings dated 20.01.2014, stating that based on the verification done by the Selection Committee and in accordance with the marks awarded to the petitioner, the appointment cannot be issued to the writ petitioner. In other words, it is stated that the petitioner was not selected for the appointment to the post of Scavenger and therefore, the claim of the writ petitioner cannot be considered.

4. The learned counsel for the petitioner made a submission that the second respondent informed during the relevant point of time that the petitioner was selected. Even the District Employment Exchange, in their records, made an entry that the petitioner was appointed as Sweeper. This being the factum, the order of appointment was not served to the writ petitioner and he could not be able to join duty during the relevant point of time.

5. This Court is of the considered opinion that mere selection would not confer any right to the candidate. The fact remains that the petitioner has not received any appointment order during the relevant point of time. Mere entry in the District Employment Office would not confer any right for appointment. The appointing authority namely the District Educational Officer, in the impugned order, has stated that as per the certificate verification and based on the marks awarded by the Selection Committee, the petitioner was not issued with an order of appointment. These facts establishes that the writ petitioner was not served with an order of appointment and the petitioner also could not able to furnish the copy of the appointment order in the present writ petition. That apart, the



petitioner as of now is aged about 44 years and over aged.

6. Considering the facts and circumstances, this Court is not in a position to consider the case of the writ petitioner and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The District Employment Officer,
Employment Exchange Office,
Villupuram District.
2. The District Educational Officer,
Villupuram
Villupuram District.
3. The District Collector,
Villupuram,
Villupuram District.

+1cc to Mr.K.Sudhakar, Advocate, S.R.No.32985

+1cc to the Government Pleader, S.R.No.33626

W.P.No.5559 of 2014

GPL (CO)
UMA (15/06/2022)