



WP No.18411 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-10-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.18411 of 2017

And

WMP Nos.19984 and 27160 of 2017

P.Thirumurugan

..

Petitioner

VS.

1.The Secretary,
Personnel and Administrative Reforms Department,
Secretariat,
Chennai – 600 009.

2.The Secretary,
School Education Department,
Secretariat,
Chennai – 600 009.

3.The Director,
Directorate of School Education,
Chennai – 600 006.

4.The Primary Education Officer,
Vellore.



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5. The Deputy Director,
District Employment Office,
Vellore. ..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third and fourth respondents to appoint the petitioner under the priority category of wards of ex-servicemen in the post of Lab Assistant.

For Petitioner	: Mr.S.Karthikeyan
For Respondent-1	: Mr.P.Ganesan, Additional Government Pleader.
For Respondents-2 to 4	: Ms.S.Mythreye Chandru, Special Government Pleader.
For Respondent-5	: No Appearance

ORDER

The relief sought for in the present writ petition is to direct the third and fourth respondents to appoint the petitioner under the Priority Category of Wards of the Ex-Servicemen in the post of Lab Assistant.



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2. The petitioner states that he has completed the Higher Secondary Course and registered his name in the Employment Exchange.

His father is an Ex-Serviceman and therefore, he states that he is entitled to avail the benefit of priority under the Wards of Ex-Servicemen Category.

3. The petitioner participated in the process of selection for appointment to the post of Lab Assistant. However, he was not selected under the said category and therefore, the petitioner has chosen to file the present writ petition.

4. The Recruitment Notification was issued on 22.04.2015 and there is no priority granted in favour of the Wards of Ex-Servicemen. In the absence of any such priority granted in the Recruitment Notification, the petitioner cannot claim the said benefit.

5. If Granting priority is made by the Government with reference to the policy, then all the priorities are not granted to in all the recruitments. Depending on the nature of the post and other relevant factors,



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the priority is provided for selection and appointment. Thus, the priority cannot be claimed as a matter of right. If it is provided in the Recruitment Notification, then the said priority may be availed by the eligible candidates, who all are participating in the process of selection.

6. In the present case, the process of selection has been completed in the year 2015. Even at the time of filing of the present writ petition, the petitioner was aged about 46 years and now he would be around 51 years of age. That apart, the petitioner was unsuccessful in the process of selection. Therefore, the relief, as such, sought for to appoint him in the post of Lab Assistant cannot be granted.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

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Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn

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To

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S.M.SUBRAMANIAM, J.

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