



Order dated : 07.09.2022
Writ Petition No.28178 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.28178 of 2017

M.Ramachadran

... Petitioner

Vs.

1. Government of Tamilnadu
Rep. by its Secretary to Government
Employment & Training Department
Secretariat, Chennai - 600 009
2. District Collector
Thiruvannamalai District
Thiruvannamalai, Tamilnadu
3. District Employment & Industries
Development Department
Rep. by its Director
Guindy, Chennai
4. District Employment Office
Rep. by its District Employment Officer
Tiruvannamalai - 606 601

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct respondents 1, 3 and 4 to consider and pass orders expeditiously in accordance with law on the representation dated 17.08.2017 for priority in employment in pursuance to the certificate of undertaking vide proceedings in Na.Ka.No.924/88 dated 26.04.1999 in the light of G.O.Ms.No.188, personal and administrative department dated 28.12.1976.



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For Petitioner : Mr.D.S.Rajasekaran
For Respondents : Mr.K.H.Ravikumar
Government Advocate for R1 to R4

ORDER

The relief sought for in the present writ petition is to direct respondents 1, 3 and 4 to consider and pass orders expeditiously in accordance with law on the representation submitted by the writ petitioner on 17.08.2013 by giving priority in employment.

2. The petitioner states that the property belongs to his family in Survey No.217/4, to an extent of 33 cents of land in Pannambattiur Village, Kalasapakkam, Porur Taluk was acquired by the second respondent. Father of the writ petitioner, Mr.Manickam was the owner of the said property and the writ petitioner being the son of the owner of the land is entitled to avail the priority for appointment under the land losers category. It is not in dispute that the compensation has already been settled in favour of the land losers.

3. The learned counsel for the writ petitioner made a submission that the Special Tahsildar issued a Certificate in respect of the acquisition of the land belongs to the father of the writ petitioner. It is stated that the son of the land



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owner is eligible for employment. Relying on the said statement in the certificate, it is contended that the appointment is to be provided to the writ petitioner. The petitioner submitted a representation to provide appointment under the priority category allotted to land losers and the said representation was not considered and therefore, the writ petitioner is constrained to move the present writ petition.

4. The learned Government Advocate appearing on behalf of the respondents objected the said contention by stating that the application submitted by the writ petitioner was considered by the competent authority and it was rejected on the ground that no specific post was sanctioned for appointment of land losers and therefore, the writ petitioner has to submit an application to participate in the process of selection whenever a notification is issued for recruitment. In other words, it is stated that selection and appointment will be made by following the procedure and by issuing a recruitment notification. At the time of issuance of the recruitment notification, the petitioner is at liberty to submit his application and participate in the process of selection. That apart, the order of rejection passed in proceedings dated 09.10.2017 has not been challenged by the writ petitioner.



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5. The petitioner rests his claim mainly based on the certificate issued by the Special Tahsildar consequent to the acquisition of the land which belongs to his father. The said certificate reveals that the son of the land owner is eligible for employment as per the G.O.Ms.No.188, Personal and Administrative Department dated 28.12.1976. Therefore, the certificate would not confer an absolute right for appointment as it is only a priority.

6. Appointment can never be claimed as a matter of right. The appointments are to be made strictly in accordance with the rules in force. Priority can be claimed if there is a notification for grant of such priority. Rule of reservation is mandatory. However, priority is the discretion of the employer to notify and thereafter, consider the applications and provide employment for the eligible persons falling under the priority category. For instance, several priority categories are contemplated under various rules. For example, sports quota, destitute widows quota, differently abled quota, land losers category etc. However, the employers cannot provide priority for all the categories in one employment. Therefore, they notify certain priority category considering various factors and based on the nature of job responsibilities, suitability, etc. This



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being the policy decision of the Competent Authority, Court cannot issue any direction to provide priority directly for appointment.

7. The certificate issued is only an eligibility and therefore, the said certificate would not confer any right for appointment. Whenever a notification is issued, the petitioner is at liberty to participate in the process of selection and the case of the petitioner is to be considered strictly in accordance with the terms and conditions stipulated in the rules.

8. With these observations the writ petition stands dismissed. No costs.

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Index : Yes
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To

1. The Secretary
Government of Tamilnadu
Transport (RW1) Department
Fort St.George, Chennai - 600 009
2. The Secretary
Finance Department
Government of Tamilnadu
Fort St. George, Chennai - 600 009
3. Metropolitan Transport Corporation
Rep. by its Managing Director
Pallavan House, Anna Salai
Chennai - 600 002



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