



WEB COPY



W.P.No.35275 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.35275 of 2019

and

W.M.P.Nos.36073 & 36075 of 2019

G.Chandrasekaran

... Petitioner

-Vs-

1. The Secretary to Government,
Rural Development Department,
Government of Tamil Nadu, Secretariat,
Fort St. George, Chennai 600 006.
2. The Secretary to Government,
Labour and Employment Department,
Government of Tamil Nadu, Secretariat,
Fort st. George, Chennai 600 009.
3. The District Collector of Villupuram,
Villupuram
4. The Block Development Officer,
Olakkur, Tindivanam,
Villupuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the Respondents 3 and 4 to consider the petitioner's Application dated 20.11.2019, consequently direct the Respondents 3 and 4 herein to appoint the petitioner to the post



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of Night Watchman at the office of the Block Development, Olakkur,
Tindivanam, Villupuram District, 4th Respondent herein.

For Petitioner : Mr.T.Dhanasekaran
For Respondents :
For R1 to R3 : Mrs.E.Indhumathi
Government Advocate
For R4 : No appearance

ORDER

All appointments are to be made strictly following the recruitment rules in force. Appointments can never be claimed as an absolute right. Equal opportunity in public employment is the constitutional mandate. Thus, the eligible candidates are at liberty to respond to the notification and participate in the process of selection and even the selection would not confer any right. A writ against a selection is entertainable only if it is tainted with the allegations of mala fides or corrupt activities established.

2. The petitioner submitted an application to participate in the process of selection pursuant to the notification. However, the authorities competent cancelled the selection notification itself and no one was



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selected or appointed. In such circumstances, the petitioner came out with the present writ petition stating that his application is to be considered for appointment to the post of night watchman.

3. A mere application would not confer any right to seek an order of appointment. The High Court cannot consider the relief to appoint the petitioner merely based on his application. Since the process of selection itself was cancelled, the petitioner has to participate in the next selection process, if any notified by the competent authorities. The relief as such sought in the present writ petition is misconceived and the High Court cannot issue any direction to appoint the petitioner merely based on his application.

4. Accordingly, this writ petition stands **dismissed**. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed

22.11.2022

Index : Yes
Speaking order
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S.M.SUBRAMANIAM.J.,

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To

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