



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.7788 of 2021

and

W.M.P (MD) Nos.5930 and 5931 of 2021

J.Bala Murali

... Petitioner

Vs.

1.The Secretary to Government,
Higher Education Department,
Secretariat,
Fort St George,
Chennai.

2.The Additional Chief Secretary to Government,
Home (Transport) Department,
Secretariat,
Fort St George,
Chennai.

3.The Chairman,
Syndicate of Annamalai University,
Annamalai Nagar, chidambaram,
Cuddalore.

4.The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders passed by the 4th respondent in No.C1-7/2020 dated 23.12.2020 and in No.C1-7/09264/2020 dated 09.02.2021 and quash the same and consequently, direct the respondents to transfer the petitioner to the post of Technical Assistant.

For Petitioner	: Mr.Niranjana S.Kumar
For R1 and R2	: Mr.G.V.Vairam Santhosh
	Additional Government Pleader
For R3 and R4	: Tapal Due

**ORDER**

The order of rejection dated 09.02.2021 rejecting the claim of the petitioner to accommodate him in the post of Technical Assistant from the Record Clerk, is under challenge in the present writ petition.

2.The petitioner was appointed in the fourth respondent University as Technical Assistant on consolidated pay basis. On account of administrative exigency, the petitioner was treated as surplus and accommodated in the department of Transport Corporation and posted as Record Clerk. At the time of appointment in the Transport Department, the petitioner have given an undertaking that he will not claim any higher post of Technical Assistant in the Transport Corporation. Whiles, the petitioner can achieve his ambitions only by participating in the process of selection if any notification is issued for the post of Technical Assistant or to any other higher post. Mere possessing of qualification is not a ground to claim any particular post in a Department.

3.The claim of the writ petitioner is that he is having technical qualification and his adequate qualification is to be utilized by the department. Such a claim cannot be entertained by the Courts. The petitioner has to perform his duty and responsibility attached to his post and only if he secured any other post involving technical works, then alone he may be permitted to utilize his technical knowledge. If at all the petitioner is so ambitious and passion in performing his technical works, he has to seek for suitable employment elsewhere and once he accepted the post of Record Clerk in Transport Department, he is expected to perform his duty and responsibility attached to the said post. Thus, the claim and request made by the petitioner to utilize his service for technical works cannot be considered and the respondents have rejected the same rightly.

4.Thus, there is no infirmity in respect of the order impugned. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
Higher Education Department,
Secretariat,
Fort St George,
Chennai.

2.The Additional Chief Secretary to Government,
Home (Transport) Department,
Secretariat,
Fort St George,
Chennai.

+1 CC to M/s.NIRANJAN S KUMAR, Advocate (SR-14158[F] dated
24/03/2022)

+1 CC to M/s.SPL GP (SR-14332[F] dated 24/03/2022)

ORDER MADE IN
W.P. (MD) No. 7788 of 2021
and
W.M.P (MD) Nos. 5930 and 5931 of 2021
23.03.2022

ck (CO)

TR(04.04.2022) 3P 5C