



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.7597 of 2022

and

W.M.P (MD) Nos.5751 and 5780 and 2022

M.Manikandan

... Petitioner

Vs.

1. The Union of India,
Represented by its Secretary,
Ministry of Shipping, Roadways and Waterways
No.1, Transport Bhavan,
New Delhi-100 001.
2. V.O.Chidambaranar Port Trust,
Represented by its Chairman
Thoothukudi District 628 004.
3. The Chief Mechanical Engineer,
Mechanical and Engineering Department,
V.O.Chidambaranar Port Trust,
Thoothukudi District.
4. The Principal,
Oxford Industrial Training Institute
No.121/9, Perumal East Car Street,
Thirunelveli Junction-627 001.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to appoint the petitioner to the post of Operator Special Grade reserved for Schedule Tribe Category in accordance with the vacancy notification dated 19.03.2018, file No.MEE-CMEEL-EST-SPRDR-V2-17/D.994 of 3rd respondent by considering the petitioner's application dated 02.04.2018 and the representation dated 30.03.2022.



For Petitioner : Mr.R.Suresh Kumar
For R1 : Mr.G.Thalaimutharasu

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ORDER

The relief sought for in the present writ petition is to direct the respondents 2 and 3 to appoint the petitioner to the post of Operator Special Grade reserved for Schedule Tribe Category, in accordance with the vacancy notification dated 19.03.2018, file No.MEE-CMEEL-EST-SPRDR-V2-17/D.994 of the third respondent, by considering the petitioner's application dated 02.04.2018 and the representation dated 30.03.2022.

2.By consent of both the parties, the writ petition is taken up for final disposal at the stage of admission itself.

3.The grievance of the writ petitioner is that pursuant to the recruitment notification, he participated in the process of selection and he received call letter and appeared for interview in the year 2016. Though the petitioner attended the interview in the year 2016, no appointment order has been made, despite the representation given by the petitioner on several occasions. Thus, the petitioner is constrained to move the present writ petition.

4.The learned counsel for the petitioner reiterated that subsequently the respondents issued a notification, dated 19.03.2018 notifying the same post. Instead of appointing the petitioner based on the earlier selection, the respondents have issued a fresh notification. Therefore, the petitioner has come forward with the present writ petition to appoint him.

5.Appointment can never be claimed as a matter of right. All appointments are to be made strictly in accordance with the rules in force. Equal opportunity in public employment is the constitutional mandate. Whenever the process of recruitment is undertaken, the authorities competent are bound to follow the rules by providing equal opportunity to all the candidates, who all are aspiring to secure public employment through open competitive process.

6.It is an admitted fact that pursuant to the recruitment notification, nobody was appointed. The learned counsel for the petitioner also made a submission that no candidate was appointed pursuant to the process of the selection. Thus, the petitioner cannot have any grievance as no candidate was appointed pursuant to the recruitment notification. Mere participation in the process of selection would not confer any right on the candidate to seek for an appointment. If the selection is error, the competent authority has to cancel it by way of policy, after an administrative decision is taken.

7.In the present case no candidate was appointed in the post of Operator Special Grade pursuant to the notification and they



have decided to dispense with the process of selection and thereafter, in the year 2019 another notification was issued by the employer.

8.This being the factum established mere representation submitted by the petitioner would not confer any right to claim appointment. As no candidate was appointed, the petitioner cannot have any grievance. However, the petitioner is at liberty to participate in the subsequent notification, if he is otherwise eligible and qualified for the appointment to the said post.

9.With these clarifications, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Union of India, The Secretary,
Ministry of Shipping, Roadways and Waterways
No.1, Transport Bhavan,
New Delhi-100 001.

2. The Chairman,
V.O.Chidambaranar Port Trust,
Thoothukudi District 628 004.

3. The Principal,
Oxford Industrial Training Institute
No.121/9, Perumal East Car Street,
Thirunelveli Junction-627 001.

+1 CC to M/s.R. SURESH KUMAR, Advocate
(SR-20640[F] dated 22/04/2022)

W.P. (MD) No.7597 of 2022
and
W.M.P (MD) Nos.5751
and 5780 and 2022
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SP/11/05/2022/3P/5C

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