



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.8886 of 2019

M.Ilampiraiyan

... Petitioner

-vs-

1. The Principal Secretary to Government,
Handloom Handicrafts, Textiles and Khadicraft,
Secretariat Government of Tamilnadu,
St.George Fort, Chennai-600 009.

2. The Director,
Sericulture Department, Salem.

3. The District Employment Officer,
Department of Employment and Training,
Government of Tamil Nadu,
Virudhunagar District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd respondent to consider the petitioner for the post of Junior Inspector of Sericulture based on the certificate verification dated 17.10.2017 and based on the representation dated 21.02.2019, according to law.

For Petitioner : No appearance

For Respondents : Mr.D.S.Nedunchezian
Government Advocate

O R D E R

The relief sought for in the present writ petition is to direct the 2nd respondent to consider the writ petitioner for the post of Junior Inspector of Sericulture, based on the certificate verification dated 17.10.2017.



2. The petitioner states that the 3rd respondent issued a notification for appointment to the post of Junior Inspector of Sericulture. The petitioner appeared before the Committee along with the certificates. After certificate verification, the petitioner has not received any communication from the authorities. Thus, he submitted a representation. The reply to the RTI application reveals that particulars of the petitioner are not available.

3. The relief sought for in the present writ petition to direct the 2nd respondent to appoint the petitioner in the post of Junior Inspector of Sericulture itself is not entertainable. Appointments are to be made strictly in accordance with the rules in force. Mere participation in the process of selection would not confer any right to send a representation and file a writ petition seeking the relief of appointment. The petitioner has not set out even the facts and circumstances in a correct manner. In the absence of any clear grounds, a writ cannot be entertained.

4. The petitioner merely states that he appeared before the Committee and produced all the required certificates. However, in the prayer, he has stated that he is to be considered for promotion based on the certificate verification conducted on 17.10.2017. It is not clarified by the petitioner whether he was selected or not. In the absence of any such particular, the relief as such sought for cannot be granted. Merely participating in the process of selection, the petitioner cannot claim appointment to the post of Junior Inspector of Sericulture as a matter of right.

5. The counter affidavit filed by the 3rd respondent reveals that there was no notification published by the 2nd respondent calling for appointment to the post of Junior Inspector of Sericulture and therefore, the question of sending reply to the representation of the petitioner did not arise at all. Thus, it is clear that the writ petition has been filed without clear facts and therefore, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



To

1. The Principal Secretary to Government,
Handloom Handicrafts, Textiles and Khadicraft,
Secretariat Government of Tamilnadu,
St.George Fort, Chennai-600 009.

2. The Director,
Sericulture Department, Salem.

3. The District Employment Officer,
Department of Employment and Training,
Government of Tamil Nadu,
Virudhunagar District.

+1 CC to M/s.SPL.GP. (SR-21482[F] dated 26/04/2022)

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