



WEB COPY



W.P.No.9655 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.9655 of 2023

Sri Paatu Swamy

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Additional Chief Secretary land Acquisition,
Fort St. George, Chennai- 600 009.

2. The Special Tahsildar, (Land Acquisition)
Jayakondam Lignite Power Project, Jayakondam.

3. The Tamil Nadu Industrial Development Corporation,
Rep. by its Executive Director, Chennai.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1 to 3 to pay the compensation of Rs.50,00,000 for the petitioner loss, and a job to the petitioner's son.

For Petitioner : Mrs.S.Shyamala

For Respondents :
(R1 & R2) : Mr.D.Ravichander, Special Govt.Pleader
(R3) : Mr.M.Vijayan for
M/s.King Patridge



W.P.No.9655 of 2023

ORDER

The writ of mandamus has been instituted to direct the respondents 1 to 3 to pay compensation of Rs.50 lakhs for the loss of the petitioner and provide a job to the petitioner's son.

2.It is not in dispute that the land belonging to the petitioner's family was acquired for public purposes. Admittedly the petitioner's family received compensation for the acquisition made. Beyond the compensation, a priority certificate was issued by the Special Tahsildar, Land Acquisition for providing priority for job opportunities. The petitioner also registered the certificate with the District Employment Exchange for the purpose of availing the priority quota.

3.The learned counsel for the petitioner mainly contended that the family of the petitioner is suffering and the petitioner's elder son has completed M.E. (Structural Engineering) and therefore, he must be provided with an appointment order.

4.Appointment can never be claimed as a matter of right. All appointments are to be made strictly in accordance with the Service Rules in force. Equality in public employment is a constitutional mandate. Equal



W.P.No.9655 of 2023

opportunity is to be provided to all the eligible persons who all are aspiring and longing to secure public employment through open competitive process. Thus, the High Court cannot issue any direction to provide appointment in a particular post or cadre in the absence of establishing any right to secure such appointment.

5.A priority certificate once registered is to be considered whenever the turn comes in accordance with the appointment seniority. Any out of turn consideration would cause infringement of the right of all other candidates who all are longing to secure public employment by participating in the competitive process. Thus, the relief to provide employment cannot be granted by the High Court in a writ proceedings and this Court wishes the son of the petitioner to secure employment on merits by participating in the open competitive process.

6.Accordingly, the writ petition stands **dismissed**. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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W.P.No.9655 of 2023

S.M.SUBRAMANIAM. J.,

(sha)

To

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