



W.P.No.30511 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.30511 of 2016

and

WMP.Nos.26444 & 26445 of 2016

K.Suganya

...Petitioner

Vs.

1.The Managing Director
Chennai Metro Rail Limited
Admin Building
CMRL Department,
Poonamallee High Road
Koyambedu, Chennai 107.

2.The Chief General Manager
Chennai Metro Rail Limited
Admin Building
CMRL Department,
Poonamallee High Road
Koyambedu, Chennai 107.

3.The General Manager (HR)
Chennai Metro Rail Limited
Admin Building
CMRL Department,
Poonamallee High Road
Koyambedu, Chennai 107.

...Respondents



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Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent pertaining to his Notification dated 23.08.2016 quash the same and further direct the respondents to issue appointment order to the petitioner based on the offer of appointment issued as per Employment Notification No.CMRL/HR/01/2013.

For Petitioner : Ms.Vanisha.S
for Mr.M.Selvam

For Respondents : Mr.B.Vijay for R1 to R3

ORDER

The challenge in this writ petition is to Notification No. CMRL/HR/01/2013 dated 23.08.2016 issued by the third respondent. Under the said notification, applications were invited for appointment to 45 vacant posts of Junior Engineer (Mechanical), out of which 9 posts were reserved for the Most Backward Class (MBC).

2. Pursuant to the notification, the petitioner submitted an application seeking consideration for appointment to the said post under the MBC category. The petitioner was provisionally selected under the MBC category. However, in



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the final selection list, the name of the petitioner did not find a place, necessitating the petitioner to approach this Court.

3. Ms.Vanisha.S., learned counsel appearing for Mr.M.Selvam, learned counsel for the petitioner, submitted that out of the 9 posts reserved under the MBC category, only 3 posts were filled up. She further submitted that, though the petitioner was eligible and entitled to appointment to the said post, the respondents failed to issue the appointment order.

4. In response, Mr.B.Vijay, learned counsel appearing for the respondents, submitted that sub-clause (c) of Clause 13 of the notification provides for increase or decrease in the number of vacancies to be filled. The respondents, after taking a conscious decision that there was no requirement to fill up all 45 posts, decided to appoint candidates only to 13 posts, out of which 3 posts were filled under the MBC category. Therefore, the reduction in the number of posts is within the discretionary power conferred under the notification. In this context, although the petitioner was provisionally selected, he was not issued an appointment order.



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5. The arguments advanced by the learned counsel on either side and the materials placed on record have been duly considered.

6. Admittedly, the petitioner submitted an application for appointment to the said post under the MBC category and was initially provisionally selected. However, the respondents subsequently decided to fill up only 13 posts out of the notified 45 posts, stating that there was no requirement to fill up all the posts and that the remaining posts would be carried forward for consideration in the next phase.

7. Appointment is not a vests or fundamental right, and once the appointing authority takes a conscious and discretionary decision not to fill up certain posts on valid grounds, the petitioner cannot claim appointment as a matter of right. The petitioner did not fall within the zone of consideration for the three posts filled under the MBC category. Therefore, the action of the respondents in not considering the petitioner's case for appointment cannot be faulted.



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8. Accordingly, the Writ Petition is dismissed. Consequently, the connected miscellaneous petitions are closed. There shall be no order as to costs.

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Index : Yes/No
Speaking order : Yes/No
dna



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HEMANT CHANDANGOUDAR.J.,

dna

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and

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