

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34475 of 2013

V.Ramasamy

... Petitioner

Vs

1.The Director of Backward Welfare Office,  
O/o The Directorate of Backward Classes Welfare,  
Chepauk, Chennai - 600 005.

2.The District Back Ward Class and  
Minorities Welfare Officer,  
Collectorate Campus, Cuddalore,  
Cuddalore District.

3.The District Collector,  
Cuddalore District, Cuddalore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, seeking for direction directing the 2<sup>nd</sup> respondent to consider the petitioner for the appointment for the post of Secondary Grade Warden in the District Backward and Most Backward and Minority Community welfare students Hostels in Cuddalore District.

For Petitioner : M/s.G.Pugazhenthir

For Respondents : Mr.R.Vijayakumar  
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to the 2<sup>nd</sup> respondent to consider the petitioner for the appointment of the post of Secondary Grade Warden in the District Backward and Most Backward and Minority Community welfare students Hostels in Cuddalore District.

2.The learned counsel for the writ petitioner made a submission that the writ petitioner has completed Secondary School Leaving Certificate (SSLC) in March 1984 and the Higher Secondary Certificate (Plus Two) in April 1986 and thereafter, passed in Bachelor of Arts in March 1990. Further, the writ

petitioner has completed Master Degree in October 1992 and Bachelor of Education in October 1993. The learned counsel for the writ petitioner states that the writ petitioner is a differently abled person and his disability is fixed as 75%. This apart, he has received a call letter from the District Backward Classes and Minority Community Welfare Officer, Cuddalore for interview. Pursuant to the interview call letter, the writ petitioner has participated in the interview and thereafter, no appointment order has been issued to the writ petitioner. Under these circumstances, the writ petition is moved under Article 226 of the Constitution of India. The learned counsel for the writ petitioner states that the name of the writ petitioner has been included in the selected list and no appointment order was issued.

3. This writ petition is filed seeking a direction to appoint the writ petitioner in the post of Secondary Grade Warden in the District Backward and Most Backward and Minority Community welfare students Hostels in Cuddalore District. The writ petitioner has not challenged the process of selection on any legal grounds. A mere participation in the interview or inclusion in the select list will not confer any right on the candidate to claim appointment. Appointment can never be claimed as a matter of right. The process of selection can be questioned, if the same is in violation of any statutory rules or the recruiting agency has committed any irregularity, illegality, malpractices or corrupt activities.

4. Thus, this Court is of the opinion that the process of selection can be questioned only on these limited grounds. A mere participation in the interview cannot be a ground to seek a direction for appointment in a post or cadre and this Court is also of the opinion that the writ petitioner has not established any legal right so as to issue direction to the writ petitioner in the post of Secondary Grade Warden. In the absence of any legal right, no writ can be entertained. Thus, it is for the writ petitioner to participate in the next process of selection and secure employment in accordance with the recruitment rules in force. This Court wishes the writ petitioner to get an employment and in view of that he has to put necessary efforts by participating in the open competitive process.

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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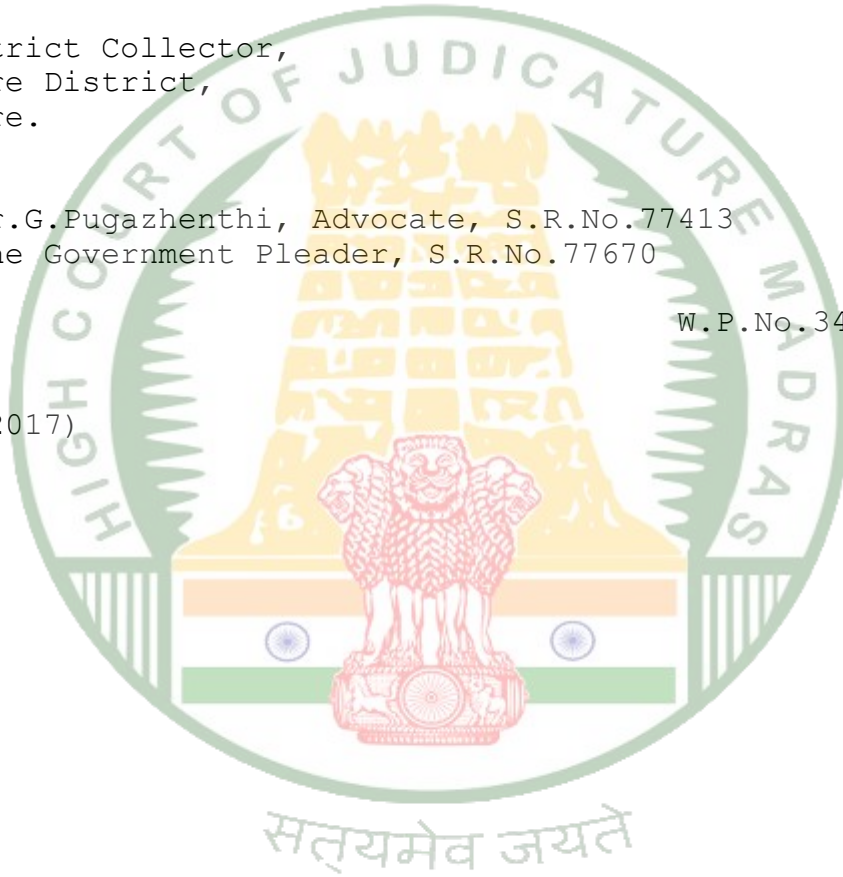
To

- 1.The Director of Backward Welfare Office,  
O/o The Directorate of Backward Classes Welfare,  
Chepauk, Chennai - 600 005.
- 2.The District Back Ward Class and  
Minorities Welfare Officer,  
Collectorate Campus, Cuddalore,  
Cuddalore District.
- 3.The District Collector,  
Cuddalore District,  
Cuddalore.

+lcc to Mr.G.Pugazhenthii, Advocate, S.R.No.77413  
+lcc to the Government Pleader, S.R.No.77670

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CA(22/11/2017)



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