

(2012) 01 MAD CK 0246

In the Madras High Court

Case No : Writ Petition No. 25062 of 2006 (O.A. No. 3802 of 1997)

K. Sundaramurthy

APPELLANT

Vs

The Member Secretary, Teachers Recruitment Board, 7th
Floor, E.V.K. Sampath Maaligai, College Road, Chennai 6 and
Others

RESPONDENT

Date of Decision : 18-01-2012

Acts Referred:

Citation : (2012) 01 MAD CK 0246

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : R. Ramaganesan, for the Appellant; R. Ravichandran, A.G.P., for the Respondent

Final Decision : Dismissed

Judgement

Honourable Mr. Justice Vinod K. Sharma

1. The petitioner has approached this Court with the prayer for issuance of writ in the nature of Certiorari, to quash the order dated 04.04.1997 with consequential relief of mandamus, to direct the respondents to appoint the petitioner as B.T. Assistant (Science), in the vacancy which is likely to be filled up in the first week of June in the Kallar Reclamation School, Madurai District, or in any other existing vacancy or in any future vacancy that may arise. The petitioner acquired 4th rank in M.Sc. (Zoology), in April 1983 in Madurai Kamaraj University, and claims to be a highly qualified candidate for the post of B.T. Assistant. The petitioner also has an experience of 7 years in Government aided School.

2. The petitioner applied for appointment as B.T. Assistant (Science) in pursuance to the advertisement issued by the State Government. The petitioner was called for interview along with other eligible persons. The petitioner was placed in the waiting list at serial No.1, whereas all the 8 selected candidates joined duty.

3. The case of the petitioner is that subsequently, 9 vacancies had arisen in the School, which were to be filled up in the month of June 1997.

4. The case of the petitioner is that on coming to know of the existing vacancies, the petitioner approached the respondents for appointment, being the first candidate on the waiting list. The petitioner was directed to approach the first respondent. The petitioner's representation was sent to the first respondent for considering his name for appointment to the post of B.T. Assistant (Science). However, no action was taken thereon by the first respondent.

5. The case of the petitioner is that Government issued instruction vide G.O. Ms. No. 1223 dated 12.07.1988 prescribing rules and procedures to be following for the recruitment.

6. The case of the petitioner is that the procedure laid down in G.O. Ms. No. 1223 dated 12.07.1988, was not followed and the petitioner was not appointed against the existing vacancy.

7. On consideration, I find no force in the writ petition. It is not disputed, that no person junior in the waiting list was appointed. It is well settled that the candidates in the waiting list or select list have no absolute right for appointment. The Hon"ble Supreme Court in Bihar State Electricity Board vs. Suresh Prasad and others (2004 (1) S.C.T. 904) has been pleased to lay down that mere selection does not give any indefeasible right to candidate for appointment as it is for the Government to decide about filling of the vacancies.

8. The selected or waiting list candidates can only seek appointment, in case any junior in merit is appointed by ignoring the claim of the senior, or in exceptional circumstances where the action of respondents in denying appointment is arbitrary or actuated malafide. The case of the petitioner does not fall on any of these categories. For the reasons stated above, the writ petition is ordered to be dismissed. No costs.