

(2022) 07 SHI CK 0021

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 3857 Of 2022

Anoop Kumar

APPELLANT

Vs

Himachal Pradesh Staff

RESPONDENT

Date of Decision : 14-07-2022

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2022) 07 SHI CK 0021

Hon'ble Judges : Sabina, J;Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Shikha Chauhan, Suchitra Sen

Final Decision : Dismissed

Judgement

Sabina, J

1. Petitioner has filed the petition under Article 226 of the Constitution of India, seeking following relief:-

"i. That the respondent State may kindly be directed to consider the candidature of the petitioner for the post of Inspector, Tourism and Civil Aviation (Post Code 824) as notified in the advertisement, as the posts are still lying vacant."

2. Learned counsel for the petitioner has submitted that vide Advertisement Annexure P-1 dated 21.09.2020, 4 posts of Inspector (Hotels) on contract basis in the Department of Tourism and Civil Aviation along-with other posts were advertised. As per the said Advertisement, petitioner fulfills the qualification for his appointment as Inspector (Hotels). Vide Annexure P-2, 43 candidates were shortlisted and the roll number of the petitioner figured in the said list. Thereafter vide Annexure P-3 dated 10th February, 2022, notification was issued, whereby 14 candidates were shortlisted and the name of the petitioner did not figure in the said list. Now, vide Annexure P-4 dated 12.04.2022, final result has been declared and it has been stated that after evaluation process, none of the candidates were found eligible as per Recruitment and Promotion Rules for the

post of Inspector (Hotels). Learned counsel has submitted that in case the top 14 candidates were not found eligible for appointment, the appointment should have been offered to the next candidates including the petitioner, in line.

3. After hearing learned counsel for the petitioner, we are of the opinion that the instant petition deserves dismissal. Although, petitioner has the necessary qualification for appointment to the post Inspector (Hotels), but the name of the petitioner did not figure in the top 14 candidates as per Annexure P-3. Vide Annexure P-4 dated 12.04.2022, notification was issued by the Himachal Pradesh Staff Selection Commission while declaring the final result that so far as 4 posts of Inspector (Hotels) were concerned, after evaluation process, none of the candidates were found eligible as per Recruitment and Promotion Rules of the post concerned and consequently candidature of all the candidates was rejected by the Commission. Since the candidates, who were more meritorious than the petitioner, were not found eligible as per Rules, the argument raised by the learned counsel for the petitioner that the appointment should have been offered to the candidates beyond the list of 14 shortlisted candidates is without any basis and is liable to be rejected. Since the candidates, who were more meritorious than the petitioner, have not been found eligible for appointment, there is no occasion for the respondent to have considered the case of the petitioner for appointment. The respondent cannot be forced to fill up the posts out of candidates who were not found to be eligible. As per merit, for four posts, 14 candidates had been shortlisted and name of the petitioner did not figure in them.

4. Hence, no ground for interference by this Court, while exercising extraordinary writ jurisdiction under Article 226 of the Constitution of India is made out.

5. The writ petition is accordingly dismissed. Pending applications, if any, stand disposed of.