
(2001) 11 AHC CK 0061
In the Allahabad High Court
Case No : C.M.W.P. No. 38366 of 2001

Anoop Kumar

APPELLANT

Vs

State of Uttar Pradesh and Others

RESPONDENT

Date of Decision : 28-11-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 1 AWC 115

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : S.M. Iqbal Hasan, for the Appellant;

Final Decision : Dismissed

Judgement

Anjani Kumar, J.—By means of the present writ petition under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs :

- (i) issue a writ, order or direction in the nature of mandamus, directing the respondent to appoint the petitioner on the post of E.O.T. Crane operator ;
- (ii) Issue any other writ, order or direction, which this Hon''ble Court may deem fit and proper in the facts and circumstances ;
- (iii) award the cost of the petition to the petitioner."

2. Learned counsel for the petitioner has submitted that it is because of the criminal case that inspite of his being selected, he has not been offered the appointment though it has been categorically admitted that the respondents have postponed/cancelled the process of selection, which might have resulted into appointment of the petitioner. It has nowhere been stated that It is postponement/cancellation of the appointment to the effect that there is a criminal case pending against the petitioner. Petitioner now claims that since he has been acquitted of the charges, therefore, he should have given appointment, so he is seeking a direction from this Court in the nature of mandamus directing

the respondents to give appointment to the petitioner. Petitioner has miserably failed to demonstrate his having any such legal right much less any statutory right, coupled with the corresponding duty on the respondents to appoint the petitioner on the basis of the case set up by the petitioner. In these circumstances, no direction can be issued to the respondents. This writ petition is, therefore, devoid of any merit and is liable to be dismissed and Is hereby dismissed.