
(2006) 03 AHC CK 0091
In the Allahabad High Court
Case No : Civil Misc. Writ No. 13579 of 2006

Ashish Kumar Srivastava

APPELLANT

Vs

State of U.P., Secretary, Electricity Service Commission, U.P.
Power Corporation Limited (A Government of U.P.
Undertaking) and Shri Sudhanshu Mishra

RESPONDENT

Date of Decision : 07-03-2006

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2006) 7 AWC 6840 : (2006) 2 UPLBEC 1636

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Advocate : K.K. Srivastava, for the Appellant; R.D. Khare and C.S.C., for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Tiwari, J.—Heard counsel for the petitioner and perused the record.

2. The petitioner applied in pursuance of the advertisement dated 01/V.S. Aa/2005 against post of Electrician. After the written test petitioner was shown at sl. No. 1 in merit but in the interview he did not qualify and respondent No. 3 was finally declared successful after the interview.

3. The petitioner has filed this writ petition challenging the appointment of respondent No. 3 on the ground that he was shown at sl. No. 1 after written test and as he has more experience than respondent No. 3 he should have been selected.

4. The counsel for the petitioner has relied upon the advertisement (Annexure-1 to the writ petition) in support of his argument; in pursuance of which vacancy for the post of electrician had been advertised. Minimum eligibility criteria for appointment to the post of electrician in the advertisement is as under:

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vgZrk,a%& nsouxjh fyfi esa fgUnh dk lE;d Kku A ek/;fed f"kk{kk ifj"kn m?iz? dh gkbZLdqy ;k led{k ijh{kk foKku ,oa xf.kr fo"k; ds lkFk mRrh.kZ rFkk IyEcj Vzsm esa vf[ky Hkjr; @ jkT; O;olkf;d izek.k i=k ,oa 05 o"kZ ds dk;Z dk vuqHko gksuk vko";d gSA

vk;q%&01-01-2005 15 o"kZ ,oa vf/kdre 32 o"kZ A**

No weightage is provided to the experience except the eligibility, hence the contention of the counsel for the petitioner that the petitioner having more experience than respondent No. 3 should be given weightage is fallacious. All the candidates who had minimum experience were eligible for appointment and the petitioner cannot claim that he having more experience must be given appointment on the post of electrician. This Court under Article 226 of the Constitution of India can not determine as to how the petitioner fared in the interview viz. a viz. other candidates. It may be that some candidates faced the interview better than the petitioner. This Court cannot step into the shoes of the Interviewing Committee to judge the comparative merits of the petitioner and the other candidates now. Admittedly respondent No. 3 has been finally selected after facing the interview. The petitioner has not placed any material on record to show malafide from which it could be established that there is any thing wrong in the interview.

5. For the reasons stated above, the writ petition is dismissed.