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**(2009) 03 AHC CK 0049**  
**In the Allahabad High Court**  
**Case No : Writ Petition No. 1573 (S.S) of 2009**

Baljeet Pratap Singh and others

APPELLANT

Vs

State of U.P.and others

RESPONDENT

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**Date of Decision :** 06-03-2009

**Acts Referred:**

**Citation :** (2009) 03 AHC CK 0049

**Hon'ble Judges :** Rajiv Sharma, J

**Final Decision :** Dismissed

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## Judgement

Rajiv Sharma, J.

1. Heard Sri Sampurnanand, learned Counsel for the petitioners and Sri Badrul Hasan, learned Standing Counsel, appearing on behalf of the State.
2. Through the instant writ petition, the petitioners are assailing the selection list dated 21.2.2009/22.2.2009 contained in Annexure 1 to the writ petition. Further, it has been prayed that the opposite parties shall make fresh selection following all the norms of selection rules in fair and transparent manner.
3. Learned Counsel for the petitioners submits that the petitioners, in pursuant to the advertisement dated 13.12.2008 published in daily newspaper Amar Ujala for filling up 21 vacancies of Class IV in the office of Executive Engineer Irrigation Khand, Pratapgarh, applied in the prescribed format. For the above purpose, the interview was held between 14.2.2009 to 20.2.2009, in which 1600 candidates including the petitioners participated in the said selection and interview.
4. Submission of learned Counsel is that the Committee has not made selection of the actual candidates and if the selection would have done in a proper manner, the petitioner would have been selected. According to him, petitioners were having higher merits and have good academic carrier and were fully qualified for selection but their claim has been ignored. Allegation regarding appointment of reserved category candidate against the General Category post has also been

made. It has also been argued that a pick and choose method has been adopted to adjust the candidates in whom the opposite parties were entrusted.

5. Refuting the allegations of the petitioners' Counsel, it has been submitted by Sri Badrul Hasan, learned Standing Counsel appearing on behalf of the State that the petitioners appeared in the selection process without any demur and when they were declared unsuccessful, they have made all sort of allegations just to give colour. The appointments were made strictly in accordance with the provisions with rules and there is no irregularity. The persons, who were found eligible by the Selection Committee were given appointment.

6. It has been argued that when the petitioners have taken a calculated chance and appeared at the interview, then, they because the result of the interview was not palatable to them, they cannot turn round and subsequently contend that the process of interview was unfair or the selection committee was not properly constituted.

7. In support of the above contentions, the learned Standing Counsel has placed reliance upon the judgment of the Apex Court rendered in *Madan Lal v. State of J&K and others*, (1995) 3 SCC 486=1995 (71) FLR 27 (SC) (Sum.) *Dhananjay Malik and others v. State of Uttaranchal and others*, 2008 (8) SCC 171 and *Union of India and others v. S. Vinodh Kumar and others*, 2007 (8) SCC 100.

8. In *Vinodh Kumar's* case (supra), the Apex Court held that those candidates, who had taken part in the selection process knowing fully well the procedure laid down therein were not entitled to question the same.

9. In *Dhananjay Malik's* case (supra) the Hon'ble Apex Court observed in paragraph 9 of the report as under :

"In the present case, as already pointed out, the respondent-writ petitioners herein participated in the selection process without any demur; they are estopped from complaining that the selection process was not in accordance with rules. If they think that the advertisement and selection process were not in accordance with rules, they could have challenged the advertisement and selection process without participating in the selection process. This has not been done."

10. In any view of the matter, the petitioners appeared in the competitive examination against the post which were advertised and were public post. They did not have any vested right for appointment. It is also well known that even the selected candidates do not have any legal right in this behalf.

11. In view of the aforesaid legal position and the fact that the petitioners have unsuccessfully participated in the process of the selection without any demur, they are estopped from challenging the selection criteria inter alia on the grounds that the selection committee was biased or the proper procedure was not adopted. Petitioners have made omnibus allegations without their being any documentary evidence.

12. For the reasons aforesaid, I am not inclined to interfere in the discretionary writ jurisdiction under Article 226 of the Constitution. The writ petition lacks merits and is hereby dismissed.

13. However, liberty is given to the petitioners to make a representation to the competent authority and in case the petitioner moves such a representation, it is expected that the competent authority will look into the matter and pass appropriate order in accordance with law, expeditiously, say, within a period of three months from the date of receipt of the order along with the said representation.