
(2003) 04 RAJ CK 0001

In the Rajasthan High Court

Case No : Civil Writ Petition No. 5467 of 1991

Bhawani Shankar Sharma

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 23-04-2003

Acts Referred:

Citation : (2003) 4 RLW 2665 : (2003) 4 WLC 332

Hon'ble Judges : Gyan Sudha Mishra, J

Bench : Single Bench

Advocate : R.R. Kumawat, for the Appellant; S.N. Kumawat, for the Respondent

Final Decision : Dismissed

Judgement

Misra, J.—This writ petition had been filed for issuance of a writ of mandamus to the respondents for granting him appointment on the post of Senior Teacher (School Lecturer) in Commerce Subject with immediate effect and also to grant him all the consequential benefits of this post. The basis of this claim is that the petitioner had appeared in a competitive test for appointment of School lecturers in Commerce Subject and although he could not qualify for immediate appointment, he was put on the waiting list for appointment as and when the vacancies were available. The petitioner later was not granted any appointment and hence he filed this writ petition for the requisite direction to the respondents for granting him appointment.

2. Having heard the counsel for the parties it became explicitly clear that the examination for appointment on the post was held in the year 1990 and the list of qualified candidates was prepared on 21st March, 1991 for 246 posts out of which 210 candidates only were appointed from this merit list. The petitioner's name admittedly did not find place in this list of 246 candidates, but his name was included in the waiting list which was prepared for anticipated vacancies in future. It was pointed out by the counsel for the respondents that the State Government required 210 candidates only for the post and hence some of the

candidates from the select list out of 246 candidates were not appointed and therefore the question of granting appointment to a person who was on the waiting list could not arise at all. The life of the panel as per the rules was to remain effective only for a period of six months and after expiry of this period, the petitioner cannot claim any right of appointment after the life of the panel was exhausted.

3. It is sufficiently clear from the aforesaid facts, that the petitioner having not been declared successful and his name having not been included in the list of 246 candidates who were held qualified for appointment and out of this list also 210 candidates only were appointed, the petitioner's chance from the waiting list do not arise at all. Even if the vacancies were available, the same were first of all fit to be granted to the left over qualified candidates who found place in the list of selected candidates and the petitioner's turn obviously would have arrived only if the vacancies after exhausting the selection list were available. The petitioner thus has no case for two reasons; firstly his name did not find place in the list of selected candidates from which also all the selected candidates were not granted appointment as only 210 candidates were appointed, and secondly the life of the panel also expired after the period of six months.

4. The writ petition thus, has not merit and hence it stands dismissed.