
(2014) 07 AHC CK 0316
In the Allahabad High Court
Case No : Writ Petition No. 4496 (SS) of 2011

Mukesh Chandra	Vs	APPELLANT
State of U.P.		RESPONDENT

Date of Decision : 25-07-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2014) 07 AHC CK 0316

Hon'ble Judges : Narayan Shukla, J

Bench : Single Bench

Advocate : L.K. Pathak, Learned Counsel, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Narayan Shukla, J.—Heard Mr. L.K. Pathak, learned counsel for the petitioner as well as learned Standing Counsel.

2. The petitioner has assailed the order dated 14.6.2011, issued by the Director, Printing and Stationery, Uttar Pradesh, Allahabad, whereby the petitioner's representation for his appointment on the post of Editor-cum-Key Board Operator has been rejected on the ground that the post of Editor-cum-Key Board Operator has become useless for the reasons as the machines established for their purpose, being of an old techniques, have become useless.

3. The learned counsel for the petitioner submits that the advertisement was issued for appointment on various posts in the office of the opposite party No. 2 on 15.7.2007. The petitioner applied for the post of Editor-cum-Key Board Operator. He was called upon to appear in the examination on 17.9.2007. He appeared so on 3.10.2007 and thereafter he was issued a call letter for interview on 10.10.2007. He appeared in the Interview as well as in the practical examination on 30.10.2007. However, till date no result has been declared so far. Therefore, the petitioner represented to the opposite party No. 2, who has rejected his representation for the reasons that there is no need of the post of

Editor-cum-Key Board Operator.

4. In reply, learned counsel for the respondents submits that since the machines used by the Editor-cum-Key Board Operator have become obsolete and out dated, therefore, these posts were not useful, as in place of these machines now the latest technique D.T.P. machines are being used. Further new recruitment can be made only after amendment in Printing and Stationery Technical Service Rules, 1995 as well as Government Order dated 31.7.1996 and G.O. Dated 18th of June, 1997, for which the matter is pending consideration with the State Government. He further submits that even after completion of selection process and preparation of the select list, the selected candidates have no right to claim the appointment. In support of his submission he cited the decision of Hon"ble Supreme Court rendered in the case of Balakrushna Behera and Another Vs. Satya Prakash Dash, in which the Hon"ble Supreme Court has held that a candidate even after selection has no indefeasible right to be appointed on the post because a selection does not confer a right of getting appointment, which can be enforced by filing a writ petition under Article 226 of the Constitution of India. This view of the Hon"ble Supreme Court has received strength from the decision of a Constitution Bench of the Hon"ble Supreme Court, rendered in the case of Shankarsan Dash Vs. Union of India,

5. After considering the facts and circumstances of the case as well as rival submissions of the learned counsels for the parties, I find that the reasons which have been assigned by the respondents not to make selection against the post are very reasonable and the steps of respondents are also supported with the judgment of the Hon"ble Supreme Court, as above. Therefore, I do not find error in the order impugned.

6. In the result the writ petition stands dismissed.