

(2007) 09 AHC CK 0143
In the Allahabad High Court

Navin Kumar Goswami

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 26-09-2007

Acts Referred:

Citation : (2008) 116 FLR 98

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Tiwari, J.

1 Heard learned Counsel for the parties and perused the record.

The petitioner claims to be a member of the backward community. He did apprentice of three years for the trade of Dozar Mechanic w.e.f. 11.9.89 to 10.9 92 from General, Manager, Allahabad Jal Sansthan, Allahabad.

2. It appears that an advertisement dated 2nd July, 2003 was issued by the Jal Sarjsthan, Allahabad in Hindi Newspaper "United Bharat Allahabad for varous posts. Applications were invited in pursuance to the aforesaid advertisement against the said posts. It appears that there was a ban on appointment of Dozer Mechanic which was lifted in 2004 and thereafter the post of Dozer Mechanic was not advertised.

3. It further appears that an advertisement dated 14.8.2007 was published in daily Newspaper "Amar Ujala" inviting applications for making appointment on various posts by which the applications were invited to fill Up the backlog vacancies but no backlog vacancy was advertised in so far as the post of Dozer Mechanic is concerned.

4. The contention of the counsel for the petitioner is that when the petitioner was I not appointed in pursuance to the earlier advertisement dated 2.7.2003 he filed Civil Misc. Writ Petition No. 4514 of 2005, Navin Goswami v. State of U.P. and

Ors.

This Court vide order dated 7.7.2005 in the aforesaid writ petition directed that- the respondent Allahabad Jal Sansthan, Allahabad shall consider the case of the petitioner for appointment on the post of Dozer Mechanic in accordance with law before granting any fresh Appointment on such post. In case if the respondents do not appoint the petitioner and do not consider his case fit for appointment, they shall pass is reasoned order in such regard and the same shall be duly communicated to the petitioner within two weeks of the passing of the order.

With the aforesaid observations/directions, this writ petition is finally disposed of. No order as to costs.

5. The petitioner in this writ petition has come up with the case that in pursuance to the advertisement dated 14.8.2007 published in "Amar Ujala" no call letter in respect of interview has been issued to him by the respondents till today i.e. 26.9.2007 and that the interview is fixed for today at 10.30 A.M. in respect of the posts which have been advertised in pursuance to the aforesaid advertisement dated 14.8.2007.

6. When the case was taken up at 11.30 A.M. the Court has drawn the attention of the counsel for the petitioner to the fact that since the interview has already been held at 10.30 A.M. today the writ petition has become infructuous. In any case the post of Dozer Mechanic was not advertised as such the petitioner can not be given the benefit of judgment date 7.7.2005 in Civil Misc. Writ Petition No. 4514 of 2005.

7. The counsel for the petitioner then submits that the case of the petitioner for the post of Shift In charge may be considered. On this the Standing counsel sought time and prayed that the case be taken up after lunch. When the case was taken up at 2.00 P.M. Sri R.M. Saggi, counsel for the respondents has informed the Court that he has got the original record, ft appears from the record that the petitioner is neither qualified for the post of Shift Incharge advertised in pursuance to the advertisement dated 14 8.2007 nor he is eligible for the said post.

8. It is apparent from the record that the post of Dozer Mechanic has not been advertised. The petitioner has not applied for other posts nor he is eligible for the posts which have been advertised in pursuance to the advertisement dated 14.8.2007, hence he has no right to challenge the said selection in pursuance to the aforesaid advertisement dated 14.8.2007.

9. For the reasons stated above, the writ petition is accordingly, dismissed.