

(2001) 02 JH CK 0071
In the Jharkhand High Court
Case No : CWJC No. 3751 of 1999 (R)

Nilesh Mishra

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 07-02-2001

Acts Referred:

Citation : (2001) 02 JH CK 0071

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—In this writ application the petitioner seeks issuance of appropriate writ in the nature of mandamus directing the respondents to complete the selection process and declare the names of the selected candidates for the purpose of Post-Graduate Trainee, which was advertised vide Advertisement No. 8/96 dated 2.11.1996.

2. Petitioner's case is that pursuant to the aforesaid advertisement he applied for Graduate Trainee and he was subjected to written test and interview. It is stated that he came to know that he was qualified in the selection process and in the selection cum merit panel his position was first. So far knowledge of the petitioner that in the selection panel his position was first as stated in Paragraph 14 of the writ application, it does not appear from the affidavit as to from what was source of knowledge. Even assuming that his name was included in the panel prepared by the respondent that does not confer indefeasible right of appointment. It is also open to the government or its authority to make appointment or not. There are catena of decisions of the Supreme Court in this point suffice it to refer a decision in the case of K. Jaymohan v. State of Kerala and Anr. (1997) 6 SCC 170.

3. It is equally well settled that even after going with the selection process the respondents have right to cancel the advertisement and issue fresh

advertisement, but at least reason of cancellation of the advertisement or issuance of fresh advertisement should be disclosed. The respondents therefore at least shall communicate to the petitioner the reasons for going with the fresh advertisement. It is expected that respondents shall communicate the reasons for cancellation of the earlier selection to the petitioner forthwith.

4. With the aforesaid observation, this writ application is dismissed.

5. Application dismissed.