
(2012) 07 AHC CK 0213
In the Allahabad High Court
Case No : Service Single No. - 8038 of 2007

Raj Kumar Singh

APPELLANT

Vs

Lucknow University and Others

RESPONDENT

Date of Decision : 12-07-2012

Acts Referred:

Citation : (2012) 07 AHC CK 0213

Hon'ble Judges : Narayan Shukla, J

Bench : Single Bench

Advocate : O.P. Srivastava, for the Appellant; I.B. Singh, for the Respondent

Final Decision : Dismissed

Judgement

Hon"ble Shri Narayan Shukla, J.—Heard Mr. O.P. Srivastava learned counsel for the petitioner as well as Mr. S.P. Shukla, learned counsel for the University. The petitioner has challenged the order dated 22.11.2007 passed by the Vice Chancellor, Lucknow University i.e. opposite party No.1, whereby the petitioner's appointment has been cancelled being void ab initio.

2. The learned counsel for the petitioner submits that the order impugned has been passed without providing opportunity of hearing to the petitioner. Thus it is a case of violation of Principle of Natural Justice. It is further stated that the petitioner was duly selected as Assistant Placement Officer on contract basis till regular selection is made. The petitioner was also issued appointment letter on 19.11.2007, pursuant to which he submitted his joining but he has been refused to join the services by the opposite party No.1. It is further stated that petitioner's appointment was duly approved by the Vice Chancellor, Lucknow University. It is stated by the petitioner that in the similar circumstances Mr. Ram Kishor Dwivedi and Mr. Arvind Nath Chaudhri have been given appointment on the post of Junior clerks and they are still working thereat. It is further stated that post in dispute is still vacant.

3. In reply, the respondent has submitted that the Institute of Management

Sciences was established in the University by means of Government Order dated 15.1.1998 under the Self Financing Scheme and certain posts were also created to run the Self Financing Course as per requirement. It is stated that the post of Assistant Placement Officer was created by the Finance Committee/ Executive Council for the institute by means of resolution dated 03.5.2001 and it was provided that appointment on the said course shall be made through Selection Committee. However, the petitioner had been issued the appointment letter dated 19.11.2007 by Assistant Registrar without advertising the post as well as without proceeding through regular selection process, which establishes that the petitioner due to connivance of some Officers of the institute as well as University has manipulated the appointment letter. When the genuineness of the appointment letter was enquired, it was found that no process of selection took place rather the appointment letter was issued to the petitioner by way of manipulation, therefore, the appointment letter being void ab initio has been cancelled. There was no occasion to provide any opportunity of hearing before the cancellation of such appointment letter. It is further stated that though qualification for the post of Assistant Placement Officer is prescribed as Master in Business Administration/ Management with five years experience in Corporate Sector, whereas the petitioner does not hold the said qualification as well as experience as prescribed. More-so, no Selection committee was constituted nor was the post advertised for appointment.

4. Upon perusal of the order impugned I find that the petitioner was issued appointment letter dated 19.11.2007 which was cancelled by the Vice Chancellor of the University on 22.11.2007 i.e. just within two days. It is also one of the facts that in the mean time the petitioner was not permitted to join the services, thus due to lack of qualification as well as for want of regular process of selection, I am of the view, the petitioner's appointment is invalid, therefore, I do not find error in the order impugned. In the result the writ petition is dismissed.