

(2011) 04 UK CK 0052

In the Uttarakhand High Court

Case No : Writ Petition No. 304 of 2011 (S/S)

Rajeev Kumar

APPELLANT

Vs

Director General of Police and Others

RESPONDENT

Date of Decision : 06-04-2011

Acts Referred:

Citation : (2011) 04 UK CK 0052

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J.—Heard Mr. Mohd. Azim, Advocate for the Petitioner and Mr. N.P. Sah, Standing Counsel for the State of Uttarakhand.

2. The Petitioner was an applicant for the post of constable in Civil Police, Fire Brigade and P.A.C. in the State of Uttarakhand. These appointments were district cadre appointments as it is evident from the advertisement dated 22.11.2010 annexed as Annexure-1 to the writ petition. The posts which were advertised in the State of Uttarakhand were in reference to each district. Furthermore, specific condition was stipulated in condition No. 18 of the advertisement that one candidate shall apply for only one centre, meaning one district centre, and in case he applies for more than one centre, his applications will be rejected. Apart from that, the advertisement also prescribes a certificate, which has to be given by an applicant inter alia stating that he has not applied for any other centre except one centre.

3. In view of the admitted position laid down in the advertisement, the contention of the Petitioner is that though he had applied for two centres, namely, District Dehradun and District Pithoragarh, he was only pursuing his candidature for District Pithoragarh. The second contention of the Petitioner is that there are other candidates who applied for more than one centres and whose applications have been considered and they have been subsequently

appointed as well. Both these arguments of the Petitioner do not help the case of the Petitioner for the reasons stated below:

As far as first contention of the Petitioner is concerned, there is a categorical prohibition for applying in two centres. Regarding the other contention that other candidates who applied in two centres and were given benefit of the same, no relief can be granted to the Petitioner by this Court. If such candidates have at all been given benefit by the State Authorities in violation of the stipulated condition in the Advertisement, this Court cannot direct the Authorities to commit another wrong. It is trite to state that two wrongs do not make a right as has clearly been stated in a decision of Supreme Court namely Directorate of Film Festivals and Others Vs. Gaurav Ashwin Jain and Others, . In such circumstances the only relief for the Petitioner, in case the Petitioner so chooses, is to challenge such wrong orders which have been made, but no benefit can be granted to the Petitioner, by this Court, as two wrongs do not make a right.

4. The writ petition is, therefore, dismissed.

5. No order as to costs.