

(1997) 05 AHC CK 0153
In the Allahabad High Court
Case No : C.M.W.P. No. 14189 of 1993

Ram Shabad Yadav and Others

APPELLANT

Vs

Collector and Others

RESPONDENT

Date of Decision : 16-05-1997

Acts Referred:

Citation : (1997) AWC 196 Supp : (1997) RD 635

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : K.N. Singh and Daya Shanker, for the Appellant;

Final Decision : Dismissed

Judgement

M. Katju, J.—Heard learned Counsel for the Petitioner and learned standing counsel.

2. The Petitioners have filed this writ petition claiming a writ of mandamus for cancelling the declaration of the Lekhpal examination and directing the Respondents to permit (he Petitioners to undergo Lekhpal training.

3. A counter-affidavit has been filed and in paragraph 4 of the same, it has been stated that the Petitioners never passed in the written examination and hence there was no question of calling them for interview. Learned Counsel for the Petitioner submitted that this averment in the counter-affidavit is false. I am not in agreement with this submission of the learned Counsel for the Petitioner. There is no reason to disbelieve the averments in the counter-affidavit that the Petitioners never passed the written test.

4. In this case, by an interim order dated 28.4.1993 the Petitioners were provisionally admitted in the Lekhpal Training School. Gorakhpur. In my opinion, this interim order confers no right on the Petitioners.

5. Learned Counsel for the Petitioner then submitted that in pursuance of the interim order dated 28.4.1993 the Petitioners completed their training and some

of the Petitioners have passed the training examination and have joined as Lekhpal, while some others have failed in the training examination. He submitted that every candidate who failed in the training examination has a right to appear again in the next examination.

6. In my opinion, this argument is not available to the Petitioners. It is only the person who has been validly selected in the entrance test of Lekhpal who can claim that he has three chances of appearing in the training examination after the training is over. A person who has in fact failed in the written test for seeking admission cannot raise this plea at all as he was never validly selected. Hence this argument of the learned Counsel for the Petitioner has no force.

7. Thus, this petition fails and is dismissed. The service of the Petitioners who have joined as Lekhpals will be terminated forthwith since they never passed in the admission test and hence have no right to the post. The Registrar of this Court shall forthwith send a copy of this judgment to the Collector. Azamgarh for necessary action.