
(2014) 07 MP CK 0050
In the Madhya Pradesh High Court
Case No : WP No. 3869/2014

Smita Sharma

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 23-07-2014

Acts Referred:

Citation : (2014) 07 MP CK 0050

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : P.S. Raghuvanshi, Advocate for the Appellant; Devendra Choubey, Dy. Govt. Advocate, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Sujoy Paul, J.—Heard.

2. In this petition, the petitioners have prayed for a direction to the respondents to appoint them on the post of Samvida Shala Shikshak Grade-I and II, respectively, on the basis of waiting list prepared in relation to Eligibility Examination 2011.

3. Learned counsel for the petitioner submits that the respondents intend to fill up the posts of Samvida Shala Shikshak by way of new recruitment. The respondents are bound to consider the case of the petitioners being wait listed candidates. The action of respondents in proceeding further to recruit the person is bad in law. They should first exhaust the waiting list and then only appoint the persons.

4. The prayer is opposed by the other side.

5. A specific question was asked from the Bench whether any candidate, who is below in merit in the wait list, has been selected or appointed by the respondents. Shri Raghuvanshi submits that no less meritorious person has been appointed.

6. The Apex Court in Surinder Singh and Others Vs. State of Punjab and Another, opined as under:-

Waiting list cannot be used as a perennial source of recruitment for filling up the vacancies not advertised. The candidates in the waiting list have no vested right to be appointed except to the limited extent that when a candidate selected against the existing vacancy does not join for some reason and the waiting list is still operative. The candidate included in the waiting list cannot claim appointment on the ground that the vacancies were not worked out properly.

7. In State of Punjab Vs. Raghubir Chand Sharma and Another, the Apex Court opined as under:-

With the appointment of the first candidate for the only post in respect of which the select panel was prepared, the panel ceased to exist and has outlived its utility and no one else in the panel can legitimately contend that he should have been offered appointment either in the vacancy arising on account of the subsequent resignation of the person appointed from the panel or any other vacancies arising subsequently.

8. In this view of the matter, I am unable to hold that waiting list, in which petitioners' name finds place can be made operative/enforced at this point of time. There is no legal right to enforce such wait list by the petitioners. The right of wait list candidates comes to an end after completion of one recruitment process. Wait list does not have an indefinite life nor it can be operated to choke fresh recruitment on the same post.

9. In absence of any legal right established, no case for interference is made out.

10. Petition is bereft of merit and is hereby dismissed.