

(1997) 10 AHC CK 0082

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 32359 of 1997

Smt. Usha Malviya

APPELLANT

Vs

Basic Shikshadhikari and Another

RESPONDENT

Date of Decision : 01-10-1997

Acts Referred:

Citation : (1998) 1 UPLBEC 38

Hon'ble Judges : D.K. Seth, J

Bench : Single Bench

Advocate : Mithilesh Kumar Tiwari, for the Appellant;

Final Decision : Dismissed

Judgement

D.K. Seth, J.—The petitioner alleges that she had made an application an terms of the advertisement dated August 8, 1995 contained in annexure-7 to the writ petition, and pursuant to her application, she was called for interview and she appeared in the interview where all her original certificates were verified (paragraph 8 of the writ petition). She was asked to produce residential certificate which she had submitted.

2. The petitioner has nowhere mentioned in the writ petition that she was selected in the said interview nor any document has been produced to arrive at the conclusion that the petitioner was so selected in the said selection. On the other hand, the petitioner contends that she had made certain representation since no communication was given to her in respect of her selection, but the said representation were not considered. In paragraph No. 14 of the writ petition, the petitioner has contended that some of the candidates whose names are mentioned therein, who are junior to the petitioner, have been given appointment, but she has not been appointed. This very statement shows that the selection was made and the selected candidates have been appointed. It is not necessary that all unsuccessful candidates are to be intimated about their failure in the selection.

3. Therefore, in the absence of any statement that the petitioner was selected added with the statement made in paragraph 14 referred to above, it appears that the petitioner was never selected. Thus, she cannot claim any right to be appointed simply on the ground that she applied and was interviewed.

4. So far as paragraph No. 14 of the writ petition is concerned, on enquiry learned Counsel for the petitioner submits that this is on the basis of age of the petitioner in as much as she is approaching 50 years" of age and the persons so appointed are junior in age. Age can never be a factor for determining junior and senior in the matter of recruitment where maximum age is prescribed rather it is the performance in the selection process which is the prime consideration. Seniority on the basis of age interest within the prescribed, limit has no manner of consideration in the matter of selection.

5. Thus, on the basis of pleadings made in the writ petition, it appears that no case is made out for interference in the writ jurisdiction. The writ petition appears to be wholly frivolous and is accordingly dismissed. No order as to costs.