
(1998) 05 DEL CK 0087
In the Delhi High Court
Case No : CW.No.1748 of 1991

Vijay Kumar

APPELLANT

Vs

Municipal Corporation of Delhi

RESPONDENT

Date of Decision : 14-05-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1998) 5 AD 994 : (1998) 73 DLT 634 : (1998) 46 DRJ 214

Hon'ble Judges : K. Ramamoorthy, J

Bench : Single Bench

Advocate : Mr. S.P. Kalra and Mr. Tarun Diwan, for the Appellant; Mr. Jayant, Nath, for the Respondent

Judgement

K. Ramamoorthy, J.—The two petitioners have challenged the selection made by the MCD to 48 temporary posts of trained telephone operators. The case of the petitioners is: Respondents 3 to 15, who are not qualified, had been selected and the petitioners were not subjected to any trade test, as mentioned in the employment notice. According to petitioners, the employment notice was for inviting applications from departmental candidates and also outsiders through employment exchange. According the petitioners, though in the employment notice it is stated that the recruitment was for 48 temporary posts, about 47 candidates in general category and 17 candidates in reserved categories have been selected.

2. The learned counsel for MCD, Mr.Jayant Nath, submitted that MCD had considered the case of the applicants and on the basis of the due assessment of their merits had allotted marks and a selection list had been issued on the basis of rank which was according to the marks obtained by the candidates. The petitioners had not secured the requisite marks and, Therefore, they had not been selected. Mr.S.P.Kalra, learned counsel for the petitioners, submitted that one of the conditions in the employment notice was offered to the candidates who produce certificates from recognised training centers/institutions in PPX/PBX

course and according to the learned counsel for the petitioner, respondents 3 to 15 had not produced any such certificates and, Therefore, their selection is not valid. The petitioners had produced certain letter from various authorities showing that certain institutions are not recognised and, in particular, the Ministry of Communications had issued letter dated the 4th of February, 1992 stating that the Department of Telecommunications had not recognised any institutions for telephone operator courses.

3. The petitioners had been highly technical in their approach and no specific details have been given in the writ petition about the qualifications of the respondents 3 to 15 and the main argument that respondents 3 to 15 had not produced any certificates cannot be accepted without particulars.

4. The other argument about the trade test mentioned in the employment notice, Mr. Jayant Nath, learned counsel for MCD, stated that the recruitment rules do not provide for a trade test. That was an error in the employment notice and none of the candidates were subjected to any trade test and the department did not feel the necessity of holding any trade test for the post of trained telephone operators.

5. The petitioners have not alleged any illegalities in the process of selection made by MCD. The petitioners had not secured the requisite marks and, Therefore, they had not been selected. The fact that the case of the petitioners had been considered by MCD is not disputed by the petitioners. The petitioner by making vague allegations cannot claim the relief under Article 226 of the Constitution of India. There is no illegality or procedural impropriety committed by MCD in making the selection. The petitioners are still working in the department and they are not prejudiced in any way.

6. I do not find any merit in the writ petition. The writ petition is dismissed.

7. There shall be no orders as to costs.