

(2011) 08 JH CK 0071
In the Jharkhand High Court
Case No : Writ Petition (S) No. 970 of 2011

Vijay Kumar

APPELLANT

Vs

The Union of India (UOI) and Others

RESPONDENT

Date of Decision : 19-08-2011

Acts Referred:

Citation : (2011) 08 JH CK 0071

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.N. Patel, J.—Counsel for the petitioner submitted that the petitioner had applied for the post of Mail Guard and the petitioner compete with similar other situated candidates. The petitioner was selected and he is at serial no. 10 in the selection list, but, he has not been appointed and hence, the present petition has been preferred.

2. I have heard learned Assistant Solicitor General of India, appearing on behalf of the Union of India, who has submitted that now a detailed counter affidavit has been filed and it has been stated especially in paragraph no. 5 thereof, that altogether there were eight vacancies in "RN" Division for the post of Mail Guard and out of ten selected candidates, eight have been appointed and they have already joined their services and therefore, two candidates who left out, are in the waiting list. Petitioner is at serial no. 10. As all the candidates have joined their services of Mail Guard, there is no question of operating waiting list whatsoever arises and hence, there is no legal vested right in this petitioner to be appointed for the post of Mail Guard. Now, there is no vacancy, at all, for the aforesaid post.

3. In view of these submissions and looking to the facts and circumstances of the case, it appears that there were only eight vacancies in "RN" Division for the post of Mail Guard and all the eight candidates have joined the services and therefore,

there is no question of operating waiting list whatsoever arises. Petitioner is at serial no. 10 in the selection list. Thus, two candidates, who are at serial no. 9 and 10, are known as candidates of the waiting list. If any of the candidate out of 1 to 8 have not joined the services or has resigned the services then the waiting list can be operated, but, in the facts of the present case all candidates, who are at serial nos. 1 to 8, have resumed their services and they are working as such and therefore, candidates, who are in the waiting list, cannot get their appointment.

4. In view of these facts, there is no substance in this writ petition. Hence, the same is, hereby, dismissed.

5. The officer, namely Mr. Sushil Kumar Tiwary, S/o. Late Banwari Tiwary, working as Assistant DirectorII, Office of the Chief Postmaster General, Jharkhand Circle, Ranchi-2 is present before this Court. His presence is not required henceforth.