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Vijay Kumar Vs The Union of India (UOI) and Others

Writ Petition (S) No. 970 of 2011

Court: Jharkhand High Court

Date of Decision: Aug. 19, 2011

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.