SRI SANJOY BHATTACHARJEE

*v.*

UNION OF INDIA AND ORS.

MARCH 10, 1997

[K. RAMASWAMY AND G.T. NANAVATI, JJ.]

*Service Law :*

*Selection—Candidate placed on waiting list—Right to appointment—After filling up the notified vacancies from the select list Department advertised the subsequent vacancies—Candidate figuring on waiting list filed application before Tribunal for direction to make appointments from the waiting list and stay of fresh recruitment till the said list got exhausted—Held, merely because the petitioner has been put in the waiting list, he does not get any vested right to an appointment—After filling up the notified vacancies from the select list, for subsequent vacancies everyone in the open market is entitled to apply for consideration on merit in accordance with law—Constitution of India, Articles 14 and 16(1).*

CIVIL APPELLATE JURISDICTION : Special Leave Petition (C) No. 6175 of 1997.

From the Judgment and Order dated 8.7.96 of the Central Administrative Tribunal, Calcutta in O.A. No 879 of 1993.

Sarla Chandra and Pradeep Mukherjee for the Petitioners.

The following Order of the Court was delivered :

Delay condoned.

This special leave petition has been filed against an order of the Central Administrative Tribunal, made on July 8, 1996 made in O.A. No. 879/93.

Admittedly, the petitioner, having acquired Diploma in Engineering, had applied for and stood selected as Technician. The vacancies notified were 480. His ranking on merit is 779. Since he was not appointed to the post, he filed the O.A. in the Tribunal. It was contended that while he was

looking forward to his appointment in accordance with the selection instead of making the appointment the authorities issued notification for fresh recruitment, thus, defeating the right of the petitioner and others similarly situated. Therefore, direction to the respondent-authorities to appoint him, as per his ranking in the select list for the year 1989 was sought. Stay of fresh recruitment till the said list got exhausted, was also sought. The Tribunal has dismissed the petition holding that mere putting a candidate in the select list does not confer on him any right to appointment. Selection was made only for filling up 480 vacancies; after the absorption thereof, selection has to be made for the subsequent vacancies from the open market and, therefore, directions sought could not be given. We find that the reason given by the Tribunal are well justified. Merely because the petitioner has been put in the waiting list, he does not get any vested right to an appointment. It is not his case that any one below his ranking in the waiting list has been appointed which could give him cause for grievance. Thus, he cannot seek any direction for his appointment.

For subsequent vacancies, every one in the open market is entitled to apply for consideration of his/her claim on merit in accordance with law and it would be consistent with the provisions of Articles 14 and 16(1) of the Constitution. Therefore, direction sought for not to fill up the vacancies having arisen subsequently until the candidates in the waiting list are exhausted, cannot be granted. The Tribunal rightly refused to grant any such direction.

The special leave petition is accordingly dismissed.

R.P. Petition dismissed.