

Union of India and Others

Vs

Durgadass and Others

Civil Appeal Nos. 1253 and 1254(N) of 1969

(Jaswant Singh, Syed M. Fazal Ali JJ)

05.04.1978

JUDGMENT

FAZAL ALI, J. -

1. These appeals are directed against the judgment of the Himachal Bench of the Delhi High Court dated December 6, 1968 by which a batch of writ petitions filed by Durga Dass, Dharam Chand, Hari Chand and Sansar Chand have been allowed and the selection made by the Government was quashed.

2. Appearing in support of the appeal, Mr. V. C. Mahajan has raised a short point before us. He has drawn our attention to the chart printed at pages 328 to 330 in order to show that the selections made by the Departmental Promotion Committee were not, in any way, arbitrary. None of the petitioners before the High Court had better confidential remarks than the persons who were selected. The Departmental Promotion Committee, therefore, appears to have proceeded purely on the basis of merit and ability while selecting the candidates for the post of Superintendent, which admittedly was a selection post. It has not been shown to us nor proved to our satisfaction that the cases of the petitioners before the High Court were not considered. In fact, the chart shows that their cases were fully considered but in view of their confidential rolls, they were not considered fit for selection. In the circumstances, therefore, there was absolutely no justification for the High Court to interfere in the writ petitions and quash the selection made by the Departmental Promotion Committee. Mr. Ramesh Nath, counsel for the respondents submitted that the High Court has really taken the case of the one candidate who has not selected though he had better remarks than others who were selected. This person, however, has no grievance and the High Court ought not to have taken this fact in to consideration. For these reasons the appeal is allowed and the order of the High Court dated December 6, 1968 is hereby set aside and the writ petitions before the High Court are dismissed. In the circumstances of the case, we make no order as to costs.

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