

Sanjoy Bhattacharjee

Vs

Union of India and Others

SLP (C) No. 6175 of 1997

(K. Ramaswamy, G. T. Nanavati JJ)

10.03.1997

ORDER

1. Delay condoned.
2. This special leave petition has been filed against an order of the Central Administrative Tribunal, made on 8-7-1996 in OA No. 879 of 1993.
3. 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 was 779. Since he was not appointed to the post, he filed an OA 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 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 reasons 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 anyone 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.
4. For subsequent vacancies, everyone 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, the 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.
5. The special leave petition is accordingly dismissed.