

Maharashtra State Electricity Board and Others

Vs

Vaman and Another

Civil Appeal No. ... of 1999

(B. N. Kirpal, S. R. Babu JJ)

18.01.1999

ORDER

1. Leave granted.

2. This appeal has been filed against the interim order passed by the High Court. The High Court was concerned with a writ petition filed by the respondent in which the prayer was that he should be called for an interview for appointment to the post of Executive Engineer. The post of Executive Engineer was required to be filled by direct recruitment. Admittedly, the petitioner had not been called for interview. Notwithstanding this, an interim order was passed by the High Court to the following effect :

"To do justice to the petitioner, we direct the respondents to provisionally appoint the petitioner as Executive Engineer which shall be subject to the result of this writ petition. Notice is made absolute in above terms. There shall be no order as to costs."

3. We are conscious of the fact that normally this Court would not interfere with the interlocutory orders passed by the High Court. The order in question, to say the least, is opposed to all well-recognised principles of service law where by way of an ad interim order, the writ petition filed by the respondent has in fact been allowed and he has been directed to be appointed as an Executive Engineer in the direct recruitment quota, without his undergoing any process of selection.

4. We are doubtful whether such a relief could be possible even if the writ petition of the respondent was allowed, namely, he being directed to be appointed without being interviewed or any other process of selection being undergone. The order of the High Court was clearly uncalled for. We, therefore, allow the appeal, set aside the order of the High Court which required the appellants herein to provisionally appoint the respondent as an Executive Engineer. There will be no order as to costs.