

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5862/2006

RAJESH KUMAR Petitioner
Through Counsel

versus

D.S.S.S.B. & ORS. Respondents
Through Mr. Saleem Ahmad, Adv. for respondent
no.1
Ms. Smita Shankar with Ms. Gurupyari Dwivedi, Adv.
for MCD

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

% **ORDER**
22.04.2008

1. The petitioner had appeared in 2004 exam conducted by Delhi Subordinate Services Selection Board for selection as Urdu Calligraphist in MCD for a post reserved for Scheduled Caste candidate. On 17th June, 2005 the results were declared and the petitioner placed at serial no.6. The petitioner thereafter was not appointed. He moved an application under Delhi Right to Information Act, 2001 but not being satisfied, he has filed the present writ petition.
2. The respondent/MCD has filed counter affidavit as well as additional affidavit. It is pointed out in the counter affidavit that a requisition dated 24.2.1998 was made for selection of candidates for appointment for two

unreserved post and one reserved post for OBC as Urdu Calligraphist in MCD. Pursuant thereto Delhi Subordinate Services Selection Board had recommended two persons to be appointed to the unreserved posts and appointments were made sometimes in the year 1999. It is stated as far as reserved post for OBC is concerned, the appointment was made on 10.8.2001.

3. MCD has stated that on 3.5.2001, a requisition was made for filling up of vacant post of Urdu Calligraphist in Scheduled Castes category and it appears that Delhi Subordinate Services Selection Board had conducted the examination for filling up of the said post in the year 2004. However, in fact there is no such vacant post for a Scheduled Caste category and therefore, the petitioner cannot be appointed.
4. Merely participating in an examination and coming in merit list does not entitle the petitioner to claim appointed. No vested right accrues to a person by merely appearing in exam and being successful. Appointments can only be made if there a post. The respondent/MCD has in the additional affidavit stated that by mistake the reserved post under OBC category was shown as reserved under Scheduled Castes category vide letter dated 3.5.2001. In view of the categorical stand now taken by MCD that the post in question was reserved for OBC category and the same stands filled up way back on 10th August, 2001, I do not

think the petitioner is entitled to any relief. The respondent/MCD has clarified that there are seven posts of Urdu Calligraphist in all and all the seven posts are filled up.

In view of the above, I do not find any merit in the present writ petition. Accordingly, the same is dismissed.

SANJIV KHANNA,J

APRIL 22, 2008
vld