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Neutral Citation No. - 2023:AHC:199123

Judgment Reserved on 26.09.2023

Judgement Delivered on 16.10.2023

Court No. - 35

Case :- WRIT - A No. - 12594 of 2023

Petitioner :- Roopali Srivastava

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Pradeep Kumar Upadhyay

Counsel for Respondent :- C.S.C.,Rahul Agarwal

Connected with

Case :- WRIT - A No. - 13580 of 2022

Petitioner :- Roopali Srivastava

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Rishu Mishra,Pankaj Dubey,Pradeep Kumar Upadhyay

Counsel for Respondent :- C.S.C.,Rahul Agarwal

Hon'ble Vikas Budhwar,J.

1. Since, common question of laws and facts are involved in both the writ petitions, they are being decided by a consolidated order.

2. For the sake of clarity, Writ – A No. 12594 of 2023 (*Roopali Srivastava vs. State of U.P. and others*) is treated as a leading writ petition and Writ – A No. 13580 of 2022 (*Roopali Srivastava vs. State of U.P. and others*) is treated as a connected writ petition.

3. The counsels for the rival parties have made statement at Bar that the affidavits filed and which are available on record are self sufficient for disposal of the writ petitions and they do not propose to file any further response, thus with the consent of the parties, the writ petitions are being decided at the fresh stage by a common order.

4. The case of the writ petitioner is that the second/third respondent, Gautam Buddh University, Greater Noida is an University constituted under the provisions of the Uttar Pradesh Gautam Buddh University Act, 2002 (U.P. Act No.9 of 2002), in pursuance of the provisions of Clause (3)

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of Ar, 348 of the Constitution of India, which stood gazetted on 06.09.2002.

5. As per the writ petitioner, the respondent-University has been established by the Education Society promoted by the New Okhla Industrial Development Authority and the Greater Noida Industrial Development Authority. It is further the case of the writ petitioner that the said University is approved by University Grants Commission (in short U.G.C.).

6. According to the writ petitioner, pursuant to the recruitment exercise undertaken by the respondent-University, the writ petitioner was engaged on contractual basis, as Faculty Associate on 02.12.2011 on a consolidated salary of Rs.35,000/- per month. An advertisement is stated to have been published by the respondent-University being, Advertisement No.GBU/Admn./01/2016 for recruitment of 19 posts of Assistant Professors including 1 unreserved post of Assistant Professor (Economics) in the School of Humanities and Social Sciences, Department of Economics, Planning and Development. The writ petitioner claims to be fully eligible and qualified in all respects applied in pursuance of the said advertisement for the post of Assistant Professor (Economics) and interview letter is further stated to have been issued by the respondent-University on 12.05.2016 inviting the writ petitioner to appear for interview on 28.05.2016. The writ petitioner claims to have appeared in the interview conducted on 28.05.2016 and as per her expectation, she had fared well and hoped that she would be selected and accorded appointment. Though, the writ petitioner appeared in the interview and had every hope of being selected but the results of the selection was not declared, so the writ petitioner preferred representations/ applications on 28.10.2017, 15.07.2021, 15.09.2021 and 22.10.2021.

7. It is further the case of the writ petitioner that in pursuance of the communication / request letter of the writ petitioner dated 15.09.2021, the Assistant Registrar (Administration), Gautam Buddh University, Greater

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Noida proceeded to issue a communication, whereby the writ petitioner was informed for the very first time that pursuant to the selections conducted against the Advertisement No. GBU/Admn./01/2016 post convening of the meeting of the Selection Committee, the same was presented before the 19th meeting of the Board of Management and in the light of the fact that the matter needed to be deliberated and discussed, in view of the provisions relating to the reservation, a Sub-Committee was constituted, which tendered its report, wherein out of 19 candidates, 18 candidates appointment was recommended to be approved and the said recommendation of the Sub-Committee was approved in the 20th meeting of the Board of Management, wherein 14 candidates were accorded approval for appointment and since the name of the writ petitioner did not find place, thus the writ petitioner's selection/appointment cannot be approved. The petitioner claims to have further represented the matter before the Vice Chancellor of the Gautam Buddh Nagar University, Noida on 25.01.2022 and sought information under the provisions of the Right to Information Act, 2005.

8. Alleging non declaration of the results and consideration for appointment on the post of Assistant Professor (Economics) School of Humanities and Social Sciences, Department of Economics, Planning and Development of Gautam Buddh University based upon the interview held on 28.05.2016 against the Advertisement No.GBU/Admn./01/2016, the writ petitioner preferred the connected writ petition, seeking following reliefs :-

- (i) to issue a writ, order or direction in the nature of mandamus directing the respondent no.2 to declare the result and consider the applicant for the post of Assistant Professor (Economics) in School of Humanities and Social Sciences, Department of Economics, Planning and Development of Gautam Buddha University on the basis of interview dated 28.05.2016 against advertisement no.GBU/ADMN/01/2016;*
- (ii) to issue a writ, order or direction in the nature of mandamus commanding the respondent no.2 to decide the representation/application dated 25.01.2022 (Annexure No.9 to the writ petition).*
- (iii) to issue any other order or direction which the Hon'ble Court may deem fit and proper in the circumstances of the case.*
- (iv) to award the cost of the petition to this petitioner."*

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9. In the said writ petition, on 06.09.2022, the co-ordinate Bench of this Court, passed the following orders :-

*"Learned counsel for the University states, results could not be declared because the post was not approved.
Let counter affidavit be filed within a period of two weeks from today. Petitioner shall have one week thereafter to file rejoinder affidavit.
List on 10 October 2022."*

10. It is the further the case of the writ petitioner that during the pendency of the aforesaid writ petition, now a fresh advertisement has been published by the respondent-University, Advertisement No.GBU/Admn./2023/01, dated 1st March, 2023 seeking to advertise 1 post of Assistant Professor (Economics) under the O.B.C. category.

11. The writ petitioner thereafter preferred the leading writ petition, seeking following reliefs :-

*"(i) issue a suitable, writ order or direction in the nature of certiorari quashing the impugned Advertisement No.GBU/Admn/2023/01, dated 1st March, 2023, so far as it relates to the 01 post of Assistant Professor (Economics) advertised under the OBC category (Annexure No.9 to the writ petition);
(ii) issue a suitable, order or direction in the nature of certiorari quashing the impugned office order/communication dated 18.11.2021 (Annexure No.5 to the writ);
(iii) issue any other writ order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case;
(iv) award cost of the petition in favour of the petitioner."*

12. The leading writ petition came up for consideration before this Court on 03.08.2023, wherein the following orders were passed :-

*"Sri Pradeep Kumar Upadhyay, learned counsel for the petitioner submits that the Advertisement No.GBU/Admn/2023/01 dated 1.3.2023 so far as it relates to the one post of Assistant Professor (Economics) and the communication dated 18.11.2021 proceeds on misconception of facts and law particularly when in pursuance of the Advertisement No. 1 of 2016, the writ petitioner had applied for against unreserved one post of Assistant Professor (Economics) in the school of Humanities and Social Science Department of Economics Planning and Development and appeared in the interview however according to him a ground has been taken by the respondents that the post in question against which the writ petitioner applied was not approved and now the impugned advertisement has been published relatable to the one post of Assistant Professor (Economics) under OBC category.
The submission is that already the writ petitioner has preferred Writ-A No.13580 of 2022 for declaration of the result and ancillary reliefs and the said writ petition was entertained on 6.9.2022 seeking response from the respondents however till date no response has been filed and now the impugned advertisement has been issued. He*

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further submits that the writ petitioner is entitled to be accorded appointment in pursuance of the earlier advertisement as now by virtue of the present advertisement under challenge the post which is earmarked in the earlier advertisement is being sought to be included and selections are being done.

Sri Vedant Agarwal, holding brief of Sri Rahul Agarwal has produced before this court the instructions dated 1.8.2023 of the Deputy Registrar of the University. He submits that he may be granted a week's time to complete instructions.

Put up this case on 11th August, 2023 as fresh on which date the University shall answer the following queries:-

(a) the roaster for providing reservation;

(b) conscious decision of the University regarding the non proceeding of the selection in pursuance of the advertisement no. 1 of 2016;

(c) the basis of issuance of publishing the present advertisement no.GBU/Admn/2023/01

(d) fate of the selections held earlier, 1 of 2016.

When the matter is next listed the record of the Writ A No.13580 of 2022 be also tagged showing the particulars of the parties and their counsels.

13. Pursuant to the order of the Writ Court, a counter affidavit has been filed by the respondent-University, sworn by the Senior Office Assistant dated 21.08.2023, to which a rejoinder affidavit has been filed by the writ petitioner.

14. Since, certain documents, which were appended along-with the counter affidavit filed by the respondent-University were not legible, so this Court required the learned Counsel for the University by virtue of the order dated 18.09.2023 to file a typed copy of the said document.

15. A supplementary affidavit has been filed bringing on record the typed copy of the said documents.

16. Since, the learned counsel for the rival parties have made a statement at Bar that they do not propose to file any further response and they intend to argue on the basis of the documents available on record, thus with the consent of the parties, the writ petitions are being taken up on board and decided by common order.

17. Sri V.K. Upadhyay, learned Senior Counsel, assisted by Sri Pradeep Kumar Upadhyay, learned counsel for the writ petitioner in both the writ petitions have submitted that the respondents have committed gross illegality in not approving the selection of the writ petitioner on the post of Assistant Professor (Economics) in the School of Humanities and Social Sciences, Department of Economics, Planning and Development,

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pursuant to the Advertisement No.01/2016, particularly when the said advertisement was published, pursuant to a rigorous exercise undertaken by the University in terms of the provisions of Uttar Pradesh, Gautam Buddh University Act, 2002 (in short '2002 Act'), Uttar Pradesh, Gautam Buddh University First Statute, 2007 (in short 'Statutes') and Ordinance, so framed therein under.

18. Elaborating the said submission, it has been contended that Clause - 8 of the Ordinance itself provides for initiation of proposal for appointment for faculty positions, wherein the Board of Studies of each department performs functions of identification of the positions (Professor, Associate Professor or Assistant Professor) to be filled in the department specification with regard to the specialization, justification of the proposal followed by consideration of the same, as per the Ordinance by the Board of Studies of the School and there recommendation, consideration by the Academic Council with respect to proposal for filling up the faculty position in various schools/departments and approval by the Vice Chancellor, finally followed by public announcement, while publishing advertisement.

19. Submission is that the stand taken by the respondent-University that roster was not properly followed in accordance with the Government Order dated 19.02.2016 is a lame excuse as the last date of the submission of the application form of the Advertisement No.GBU/Admn./01/2016 was 22.02.2016 and at that point of time, the Government Order was already existing dated 19.02.2016 providing for reservation, roster to be made department-wise. He submits that there has been no substantial change in the reservation policy and thus the selections ought to have been approved and appointment orders in normal consequences should have been issued in favour of the writ petitioner.

20. According to Sri V.K. Upadhyay, learned Senior Counsel for the writ petitioner, it is the own stand of the University that the Board of Management (BOM) in its 19th meeting noticed infirmity in the

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application of the reservation policy and thus it was decided to redraw the complete roster by applying department-wise criteria and a sub-committee was constituted, which convened its meeting on 02.07.2016 and 30.07.2016 and thereafter recommended for according appointment against 18 posts out of 19 posts and in the 20th meeting of the Board of Management dated 13.09.2016, 14 candidates were directed to be issued appointment. While further drawing attention towards the supplementary affidavit at Page No.22 being the part of the meeting of the sub-committee dated 30.07.2016, it was sought to be contended that there happens to be a recommendation in respect to the selections made *vide* Advertisement No.01/2016 that one Assistant Professor (UR) can be appointed against available clear vacancies.

21. In nutshell, the submission is that there was no occasion for the respondent-University to have withheld the approval of the writ petitioner for the post in question in that regard. Additionally, it is being sought to be argued that the entire exercise undertaken by the respondents is just in order to forestall and block the selection and the appointment of the writ petitioner, as according to the learned counsel for the writ petitioner, the officers of the New Okhla Industrial Development Authority and Greater Noida Authority wanted to appoint their own blue eyed persons. It is the further submission of the learned Senior Counsel for the writ petitioner that on 18.11.2021 for the very first time, an order has been passed by the respondents on the application of the writ petitioner apprising the writ petitioner that in absence of any approval to the selection of the writ petitioner on the post in question, the writ petitioner cannot be accorded appointment.

22. It is the further submission that earlier the post in question was earmarked as an unreserved, but now it is being sought to be advertised, by virtue of the impugned Advertisement No.GBU/Admn./2023/01, dated 01.03.2023, while treating it to be O.B.C. category giving an impression that the earlier advertisement proceeded on incorrect reservation roster.

Reliance has been placed upon the judgment in the case of *Heera Lal vs. State of U.P.*, reported in *2010 (3) ESC 2091 (FB)*, so as to contend that there happens to be a Full Bench judgment of this Court, providing for the modalities according to which reservation is to be applied. Learned Senior Counsel has also referred to the judgment in the case of *Neeraj Chaurasiya and Another vs. Uttar Pradesh Power Corporation Ltd. and Another*, reported in *2012 (5) ESC 2905 (All)(DB)*, so as to contend that though mere selection does not confer any right, however the same does not give unfettered right to the employer to act arbitrarily. Further reliance has also been placed upon the judgment in the case of *Smt. Raj Prabha Singh vs. State of U.P.*, reported in *2011 (1) ADJ 540*, so as to contend that once an order is void and tainted by malice of law and facts, then an incumbent, who has been denied the benefits is entitled to the benefits irrespective of lapsing of sufficient time.

23. Sri Rahul Agarwal, learned counsel for the respondent-University, while countering the submission of the writ petitioner has sought to argue that the present writ petition is enormously and inordinately barred by delay and laches, particularly in view of the fact that as per the own saying the writ petitioner, he applied in pursuance of the Advertisement No.01/2016 and she subjected herself to the selections pursuant to the interview held on 28.05.2016. Though, as per the writ petitioner owing to discrepancy in application of the reservation policy, the matter engaged attention before the Board of Management (BOM) of the respondent-University, which constituted a sub-committee and the sub-committee tendered its report which according to the writ petitioner is in favour of the writ petitioner but the writ petitioner was not offered appointment and the counter parts were granted appointment, then to the writ petitioner at that relevant point of time did not approach the competent Court of Law. In nutshell, the submission is that the writ petitioner was in deep slumber as though cause of action arose in the year, 2016 but the writ petitioner preferred representation on 28.10.2017 followed after four years on

15.07.2021, 15.09.2021 and 22.10.2021 without giving any satisfactory explanation as to why the writ petitioner waited for such a long time while approaching this Court for exercising his legal right if any.

24. It is further contended on behalf of the respondents that though the representation of the writ petitioner dated 15.09.2021 was responded on 18.11.2021, while passing an order but the same would not be of any aid or assistance to the writ petitioner, particularly when the selections were of the year, 2016 and the writ petitioner has preferred the writ petition in the year, 2022. The submission is that mere filing of successive representations does not wipe away the hurdle of delay and latches. Sri Rahul Agarwal has placed reliance upon the judgment in the case of ***G.C. Gupta vs. N.K. Pandey***, reported in ***1988 (1) SCC 316*** and ***C. Jacob vs. Director of Geology and Mining***, reported in ***(2008) 10 SCC 115***, so as to contend that the doctrine of delay and latches extinguishes the right of a litigant for grant of relief.

25. Further submission on behalf of the respondent University is that in absence of prescription of life of a select list in the Rules, the same is valid for one year only. He seeks to rely upon the judgment in the case of ***State of Rajasthan and Others vs. Jagdish Chopra***, reported in ***(2007) 8 SCC 161*** and ***Girdhar Kumar Dadhich and Others vs. State of Rajasthan***, reported in ***(2009) 2 SCC 706***.

26. Additionally, it has been argued that the allegations of *malafides* sought to be levelled upon the respondent-University with regard to dislodging the writ petitioner and inducting the favourites cannot be gone into particularly when the pleadings to be said extent is lacking and further none of the persons against whom *malafides* have been alleged have been made parties in personal capacity as respondents. Accordingly, it is prayed that the writ petitions be dismissed.

27. Sri Shailendra Singh, learned Standing Counsel, who appears for the State-respondents has adopted the argument of the learned counsel for

the respondent-University and he has made a statement that he has nothing to add.

28. I have heard the learned counsel for the parties and perused the record carefully.

29. Undisputedly, the writ petitioner herein was working as a Faculty Associate since 02.12.2011 in the respondent-University on contractual basis drawing salary of Rs.35,000/- per month. It is not in dispute that an advertisement was published in the year 2016, being Advertisement No. 01/2016, pursuant thereto the writ petitioner participated in the interview held on 28.05.2016. Parties are also in agreement that with regard to issue relating to the reservation policy, the matter engaged attention before the Board of Members (BOM) of the respondent-University and *vide* 19th meeting held on 14.06.2016, the Board of Management (BOM) decided to redraw the complete roster by applying department-wise criteria and also appointed a sub committee. The sub committee in its meeting dated 02.07.2016 and 30.07.2016 deliberated upon the same and recommended that against 19 post, 18 appointments be made and the same was accepted by the Board of Management on 03.09.2016 in its 20th meeting, wherein 14 candidates were accorded appointment, which did not include the name of the writ petitioner.

30. Notably, the writ petitioner being an educated person and not a rustic, who was already working as a Faculty Associate in the respondent-University, thus it cannot be said that he she was unaware about his legal rights and the developments, which were occurring from time to time.

31. Virtually, pleadings are lacking and there is no plausible explanation as to what were the circumstances, which prevented the writ petitioner in not approaching this Court in the year, 2016, while filing writ petition. Interestingly, after filing of the representation/application on 28.10.2017, the writ petitioner, as per his own saying preferred another representation/application on 15.07.2021 approximately after a period of four years. The conduct of the writ petitioner disentitles it to be accorded

any benefit in the present proceedings.

32. Apart from the same, for the very first time post publication of the Advertisement No.GBU/Admn/2023/01, dated 01.03.2023, the writ petitioner has challenged the order dated 18.11.2021 and the subsequent advertisement. Though, the learned counsel for the writ petitioner may be right that the explanation sought to be offered by the University for not according appointment to the writ petitioner is not convening, but this Court while adjudicating the controversy on the motion of the writ petitioner has to bear in mind the issue with regard to the explanation offered by the writ petitioner in approaching the Court after unexplained and inordinate delay, as already noticed. The writ petitioner cannot plead excuse or ignorance, as the writ petitioner being a well educated person working in the said University itself was under obligation to have approached this Court at an earlier relevant point of time, when cause of action occurred. The Hon'ble Apex Court in the case of **G.C. Gupta** (*supra*) in paragraph no.50 has observed as under :-

"50. In this case the challenge to the seniority of the appellants which was determined by order dated July 20, 1956 was made in 1973 i.e. after nearly 17 years and they have sought relief for re-determination of the seniority in accordance with the provisions of the aforesaid service rules. This cannot be permitted as it would amount to unjust deprivation of the rights of the appellants which had accrued to them in the mean time. The observation that (SCC p.97, para 33) "Each person ought to be entitled to sit back and consider that his appointment and promotion effected a long time ago would not be set aside after the lapse of a number of years" as made in the above case (Rabindra Nath Bose vs. Union of India) will be applicable to this case. Considering all these aspects it would be just and proper not to give any relief to the respondents on the ground of inordinate laches and delay in challenging the seniority list made in July 1956. I have already mentioned hereinbefore that at the time of moving the writ petition 1973 all the appellants had been confirmed a Superintending Engineers in the United Provinces Service of Engineers and appellants 1 to 3 had been officiating as Additional Chief Engineers and Appellants 4 who was also a permanent Superintending Engineer, we were told by the parties at the time of hearing of this appeal, had been promoted and appointed as Additional Chief Engineer. Whereas out of the 12 respondents 10 have already retired from services as it appears from the affidavit sworn by appellant 1 Mr. G.C. Gupt in accordance with the directions of this Court. We are also told that out of the remaining two respondents, one has already retired from service. So, only one respondent is at present in service. In these circumstances I think that the cause of justice will be serviced if the authorities concerned consider the case of the said respondent for promotion in accordance with law."

33. In a subsequent decision in **C. Jacob**, in paragraph no.10, the Hon'ble Apex Court has observed as under :-

"10. Every representation of the Government for relief, may not be applied on merits. Representations relating to matters which have become stale or barred by limitation, can be rejected on that ground alone, without examining the merits of the claim. In regard to representations unrelated to the Department, the reply may be only to inform that the matter did not concern the Department or to inform the appropriate Department. Representations with incomplete particulars may be replied by seeking relevant particulars. The replies to such representations, cannot furnish a fresh cause of action or revive a stale or dead claim."

34. In a recent decision in the case of **Rushibhai Jagdishchandra Pathak vs. Bhabnagar Municipal Corporation**, reported in **2022 (4) SLR 862**, the Hon'ble Apex Court while summarizing the law of delay and laches in approaching the writ court has held in paragraph no.9 as under :-

*"9. The doctrine of delay and laches, or for that matter statutes of limitation, are considered to be statutes of repose and statutes of peace, though some contrary opinions have been expressed. The courts have expressed the view that the law of limitation rests on the foundations of greater public interest for three reasons, namely, (a) that long dormant claims have more of cruelty than justice in them; (b) that a defendant might have lost the evidence to disapprove a stale claim; and (iii) that persons with good causes of action (who are able to enforce them) should pursue them with reasonable diligence. Equally, change in de facto position or character, creation of third party rights over a period of time, waiver, acquiesce, and need to ensure certitude in dealings, are equitable public policy considerations why period of limitation is prescribed by law. Law of limitation does not apply to writ petitions, albeit the discretion vested with a constitutional court is exercised with caution as delay and laches principle is applied with the aim to secure the quiet of the community, suppress fraud and perjury, quicken diligence, and prevent oppression. Therefore, some decisions and judgments do not look upon pleas of delay and laches with favour, especially and rightly in cases where the persons suffer from adeptness, or incapacity to approach the courts for relief. However, other decisions, while accepting the rules of limitation as well as delay and laches, have observed that such rules are not meant to destroy the rights of the parties but serve a larger public interest and are founded on public policy. There must be a lifespan during which a person must approach the court for their remedy. Otherwise, there would be unending uncertainty as to the rights and obligations of the parties. Referring to the principle of delay and laches, this Court, way back in **Moons Mills Ltd. v. M.R. Mehar**, President, Industrial Court, Bombay and Others,⁸ had referred to the view expressed by Sir Barnes Peacock in **The Lindsay Petroleum Company AND. Prosper Armstrong Hurd, Abram Farewell, and John Kemp**, in the following words:*

"Now the doctrine of laches in Courts of Equity is not an arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy, either because the party has, by his conduct, done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has, though perhaps not waiving

that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any statute of limitations, the validity of that defence must be tried upon principles substantially equitable. Two circumstances, always important in such cases, are, the length of the delay and the nature of the acts done during the interval, which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as relates to the remedy."

35. Further the Hon'ble Apex Court in the case of **Jagdish Chopra** (*supra*) had the occasion to consider the contingency, wherein there was no life of the select list provided in the Rules and in paragraph no.9, it was observed as under :-

"9. Recruitment for teachers in the State of Rajasthan is admittedly governed by the statutory rules. All recruitments, therefore, are required to be made in terms thereof. Although Rule 9(3) of the Rules does not specifically provide for the period for which the merit list shall remain valid but the intent of the legislature is absolutely clear as vacancies have to be determined only once in a year. Vacancies which arose in the subsequent years could be filled up from the select list prepared in the previous year and not in other manner. Even otherwise, in absence of any rule, ordinary period of validity of select list should be one year. [In State of Bihar & Ors. v. Amrendra Kumar Mishra](#), this Court opined : (SCC p. 564, para 9).

"9. In the aforementioned situation, in our opinion, he did not have any legal right to be appointed. Life of a panel, it is well known, remains valid for a year. Once it lapses, unless an appropriate order is issued by the State, no appointment can be made out of the said panel."

It was further held : (SCC. p.565, para 13)

"13. The decision noticed hereinbefore are authorities for the proposition that even the waitlist must be acted upon having regard to the terms of the advertisement and in any event cannot remain operative beyond the prescribed period."

36. Following the judgment of **Jagdish Chopra** (*supra*), the Hon'ble Apex Court in the case of **Girdhar Kumar Dadhich** (*supra*) in paragraph no.16 held as under :-

"16. Furthermore the select list would ordinarily remain valid for one year. We fail to understand on what basis appointments were made in 2003 or subsequently. Whether the validity of the said select list was extended or not is not known. Extension of select list must be done in accordance with law. Apart from a bald statement made in the list of dates that the validity of the said select list had been extended, no document in support thereof has been placed before us."

37. Nevertheless, the status of the writ petitioner is at best of a selected candidate, however in view of the law laid down in the case of

Shankarsan Dash vs. Union of India, reported in *(1991) 3 SCC 47*, that mere selection does not confer any indefeasible right to be accorded appointment. Though reliance has been placed upon the judgment in the case of *Neeraj Chaurasiya (supra)*, however, the said judgment is distinguishable on the facts of the case as that was a case wherein the employer was unable to furnish the grounds of cancellation of the selections. However, herein in the present case, the Writ Court is denuding the writ petitioner of any relief, particularly on the ground of inordinate and unexplained delay. Moreso, the judgment in the case of *Smt. Raj Prabha Singh (supra)* is also not applicable as it is not a case, wherein the action of the respondents was void.

38. Thus, this Court is of the firm opinion, that the writ petitioner is not entitled to the benefits as sought for.

39. Resultantly, both the writ petition fails and are ***dismissed***.

Order Date :- 16.10.2023

S Rawat