

Court No. - 7

Case :- WRIT - A No. - 7926 of 2023

Petitioner :- Ajay Kumar

Respondent :- State Of U.P. Thru. Secy. Madhyamik Sanskrit Shiksha Parishad Lko. And 4 Others

Counsel for Petitioner :- Surya Narayan Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Abdul Moin,J.

1. Heard.

2. Under challenge is the order dated 26.08.2023 passed by the Secretary, District Selection Committee/ District Inspector of Schools, Balrampur, a copy of which is annexure 1 to the writ petition. A further prayer is for a mandamus commanding the respondents to consider the case of the petitioner for appointment on the post of Teacher for Uttar Madhyama Modern Subject Nagrik Shastra in the respondent no. 5-Institution,

3. The case set forth by the petitioner is that the respondents had issued an advertisement dated 03.06.2023 inviting applications for session 2023-24 & 2024-25 except summer vacations for the post of teacher on a temporary basis on a fixed pay for two institutions of which the respondent no. 5-Institution was also indicated.

4. The petitioner claims to have applied in pursuance to the said advertisement but through the order impugned dated 26.08.2023, the entire process has been cancelled and a fresh advertisement has been required to be issued on the ground that the quorum was not complete.

5. The argument of learned counsel for the petitioner is that none of the Government orders which govern the subject indicate anything about a quorum and consequently, the respondents have erred in canceling the said selection on a non existing ground.

6. Responding to that, Dr. Uday Veer Singh, learned Additional Chief Standing counsel for the respondents no. 1 to 4 argues that the word 'quorum' as has been

used in the order impugned dated 26.08.2023 refers to the fact that there were only four applications that had been received in pursuance to the advertisement dated 03.06.2023 of which one candidate was totally ineligible while two applications of two candidates were rejected as they did not fulfill the qualification prescribed for the said post leaving only the petitioner in the fray. As such, it was decided that in order to have a large number of eligible candidates for the said post the selection should be cancelled & a fresh advertisement should be issued. It is always open for the petitioner to apply in pursuance thereof.

7. Responding to that, the contention of learned counsel for the petitioner is that a perusal of order impugned dated 26.08.2023 would itself indicate that four applications had been received in pursuance to the advertisement of which three candidates were eligible and thus it is contended that incomplete instructions have been given to the learned Additional Chief Standing counsel.

8. Upon that, learned Additional Chief Standing Counsel argues that a perusal of the concerned paragraph of the order impugned dated 26.08.2023 would itself indicate that even of three "eligible applicants" two of the candidates were found to be ineligible on account of not fulfilling the educational qualification as specifically indicated in the order impugned and thus it is only the petitioner who is left in the fray.

9. Having heard the learned counsels appearing for the contesting parties and having perused the record what emerges is that after the respondents had issued an advertisement dated 03.06.2023 inviting applications for the post of teacher and the petitioner had applied in pursuance thereof, the entire selection process has been cancelled through the order impugned dated 26.08.2023.

10. From the instructions as made available to the learned Standing counsel as well as a perusal of the order impugned it emerges that only four persons had applied in pursuance to the said advertisement of which initially one was found totally ineligible and subsequent thereto, of the three persons including the petitioner, two other persons were also found ineligible on account of not having

the requisite educational qualification and thus leaving only the petitioner in the fray.

11. Realizing this, the respondents in order to have a wider choice of candidates, have proceeded to cancel the said selection by means of the order impugned dated 26.08.2023 and have further directed for issuance of fresh advertisement.

12. It is settled proposition of law that even a selected candidate has got no right to the post. The petitioner was yet to be selected in pursuance to the advertisement that had been issued by the respondents. Even prior to the selection, the respondents have proceeded to cancel the selection on the grounds as emerge from the order impugned and as communicated to the learned Standing counsel. Once there was only one candidate left in the fray, as such, it cannot be said that the action of the respondents in cancelling the entire selection through the order dated 26.08.2023 and for issuance of fresh advertisement in which the petitioner would also be eligible to apply, if otherwise eligible is bad in any manner. Thus, the order impugned requires no interference by the Court.

13. Considering the aforesaid, the writ petition is **dismissed**.

Order Date :- 12.10.2023

Pachhere/-