

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 26146 of 2015

ORDER:

The Government sanctioned 49 posts of 'Staff Nurses' for recruitment in agency areas of Telangana State. In these 49 sanctioned posts, 27 posts are earmarked to the agency area under the control of the Integrated Tribal Development Agency, Utnoor, Adilabad District. Selections were conducted for 21 posts and in the provisional selection list, the name of the petitioner is included against serial No.24 (according to the petitioner) and it is 25, according to the respondents.

2. This writ petition is instituted contending that some of the candidates selected and appointed did not join the posts, and the vacancies arising out of non-joinder of selected candidates, ought to have been filled up by the left over meritorious candidates, like the petitioner, and as the merit of the petitioner having been assessed and kept her name in the select list, she ought to have been appointed in the non-joinder vacancies.

3. The stand of the respondents is that out of 27 posts earmarked for Integrated Tribal Development Agency area, only for 21 posts selections were made, since six posts were already filled up by the Project Officer, ITDA, Utnoor, Adilabad District. In the selections conducted, the petitioner stood at serial No.25. All the

available 21 vacancies were filled up by appointing the candidates who were included in the merit list. Once all the vacancies are filled up in the manner indicated above, the waiting list lapses. The respondents are not maintaining any merit list and, therefore, the resultant vacancies arising on account of non-joinder of selected candidates cannot go to the candidates who also participated in the selection.

4. The subject matter of the writ petition relates to appointment of candidates in pursuant to the recruitment notification issued on 23.03.2010. The selections were finalized and appointment orders were issued in the year 2011. According to the petitioner, since the petitioner was also found to be suitable and was included in the list of suitable candidates at serial No.24/25, the petitioner ought to have been accommodated in the vacancies arising out of the non-joinder of the selected candidates.

5. It is not in dispute that for 21 posts, recruitment was taken up and in the recruitment, the petitioner was not included in the list of selected candidates to the extent of vacancies notified. The specific stand of the respondents is that they have selected the candidates to the extent of posts notified and appointment orders were issued and the respondents are not maintaining waiting list to fill up the vacancies which are arising on account of non-joinder of the selected candidates. This stand of the respondents

is not disputed by the petitioner by showing any cogent material about maintaining waiting list and that resultant vacancy arising out of the non-joinder of selected candidates is being filled up by waitlisted candidates. Ordinarily, unfilled vacancies on account of non-joinder of selected candidates, should be carried over to the next recruitment and fresh selection should be conducted. Thus, unless there is specific policy of maintaining the waitlist and appointing candidates in the waitlist against vacancies arising out of the non-joinder of the selected candidates, no claim for such appointment can be made.

Since it is specific assertion of the respondents that they have not maintained the waitlist and, as such, the relief as sought for cannot be granted.

6. This Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

7. As a sequel, miscellaneous petitions, if any pending in this writ petition, shall stand closed.

P. NAVEEN

RAO, J

5th November, 2015

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