



Clerk-cum-Data Entry Operator.

Shorn of unnecessary details, the facts, which are borne out from the record of the case and which have emerged from the arguments raised at the bar, are that in pursuance to an advertisement, got issued by the respondent University, the petitioner made an application for consideration of his candidature for appointment as a Clerk-cum-Data Entry Operator. It is undisputed that 47 of the total advertised posts were reserved for the Scheduled Caste category, to which the petitioner belongs and that the selection and appointment was to be on the basis of merit obtained in the written examination, computer operation test, followed by interview. The petitioner, after having cleared the written examination, computer operation test and the interview with 44.8 marks, was placed at Sr. No. 1 in the waiting list. In addition to the petitioner, two other candidates namely Iqbal dip and Vayas Muni (respondent no. 2) had also secured 44.8 marks, but were placed in the waiting list at Sr. Nos. 2 and 3 respectively.

In spite of the fact that the petitioner was placed in the waiting list at Sr. No. 1, on the availability of a vacancy, it was respondent no. 2 and not the petitioner, who was appointed as Clerk-cum-Data Entry Operator. This gave cause to the petitioner to approach this Court through the present writ petition for the reliefs referred to earlier.

Respondent no. 2, Iqbal dip and the petitioner – all the had secured 44.8 marks. The placement of the petitioner at Sr. No. 1 in the waiting list was against the criteria evolved by the Selection Committee

prior to the selection, which was to the effect that in case the candidates secured the same marks, the candidate, who was elder in age, would be preferred. Accordingly, respondent no. 2, being elder in age, was given preference.

On 03.03.2015, counsel for the respondent University was directed to file an affidavit of the Registrar of the University to apprise the Court if any post/posts of Clerk-cum-Data Entry Operators were lying vacant in the respondent University, on which the petitioner as also Iqbaldip, who had also secured same marks as the petitioner, could be adjusted.

In compliance with the order of this Court dated 03.03.2015, an affidavit of the Registrar of the respondent University dated 26.03.2015 has been filed, wherein it has been submitted that sufficient number of posts of Clerks-cum-Data Entry Operators are lying vacant with the respondent University, where both – the petitioner and Iqbaldip could be adjusted.

In view of the above stand taken by the respondent University, it is directed that the petitioner along with Iqbaldip be offered appointment as Clerk-cum-Data Entry Operator.

The writ petition stands disposed of in the above terms.

**( DEEPAK SIBAL )**  
**JUDGE**

**July 30, 2015**  
*monika*