

the 73 posts reserved for the Scheduled Caste category.

The petitioner appeared in the written examination on 27.07.2013, which was conducted as part of the selection process and on the declaration of the result of the same, the petitioner was shown to have secured more than the minimum required benchmark of 40 marks fixed for the Scheduled Caste category. Having qualified the written examination, the petitioner then appeared for counseling on 24.10.2013, but before any appointment letter could be issued to him, some candidates, who had not been selected, approached this Court by way of several writ petitions including **C. W. P. No. 22355 of 2013**, in which grievances have been made with regard to discrepancies in the written test. After considering the issue raised by those candidates, a Single Bench of this Court, vide order dated 25.11.2013, directed to revise the result after removing the proven discrepancies. Appeals filed against the order of the learned Single Judge dated 25.11.2013 being **L. P. A. Nos. 2046, 2085 and 2116 of 2013** were also dismissed by a Division Bench of this Court on 22.01.2014.

In pursuance to the directions given by this Court, the results of the written examination were revised and on such revision, the petitioner now secured 38.25% marks against the 40% qualifying marks and thus, became ineligible for consideration of his candidature for appointment to the post, for which he had applied. In the changed circumstances, the petitioner made a representation with the respondent Corporation seeking

consideration of his case for appointment to a post of Assistant Engineer (Electrical), which may be lying vacant. When his representation went decided, he approached this Court through **C. W. P. No. 5431 of 2014**, which was disposed of vide order dated 22.04.2014 directing the respondents to decide the above said representation made by the petitioner expeditiously in accordance with law and preferably within three months from the date of receipt of a certified copy of that order. In compliance with the orders passed by this Court dated 22.04.2014, the representation made by the petitioner was considered and rejected vide order dated 25.07.2014, which gave a cause to the petitioner to approach this Court through the present writ petition. Through the present writ petition, the petitioner prays for quashing of the order dated 25.07.2014 and seeks the issuance of a direction to the respondent Corporation to lower down the minimum qualifying marks as according to him, several posts of Assistant Engineer (Electrical) in the Scheduled Caste category, to which the petitioner belongs, were lying vacant.

I have heard learned counsel for the petitioner and with his able assistance, have also gone through the record of the case.

As per the results of the written examination, which have not been challenged by the petitioner, he has admittedly secured 38.25 marks as against the qualifying percentage of 40. He is, admittedly, thus, not eligible for consideration of his case for appointment to the post against which he

had applied. The petitioner was always aware that the qualifying marks in the written examination were 40% and as per the results, revised under orders of this Court, he admittedly has not secured the required percentage, which would qualify him for further consideration leading to appointment against the post, under which he had applied. According to me, once he has not met the required benchmark, his candidature cannot be considered any further.

Merely because the posts are lying vacant will not clothe the petitioner with any right, much less legal right to approach this Court seeking a direction to the respondents to fill up the vacancies by relaxing the minimum qualifying marks. The petitioner had represented to the respondent Corporation for relaxation of the qualifying marks, but through the order impugned by the petitioner, the respondent Corporation has not acceded to such request. To stick to the qualifying marks is an action on the part of the respondent Corporation, with which I find no fault. It is up to the employer to finalize and fix the qualifications he requires for manning the posts under it.

In view of the above, finding no merit in the present writ petition, I order dismissal of the same with no order as to costs.

(DEEPAK SIBAL)
JUDGE

March 23, 2015