

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) No. 1965/2015 & C.M.No.3529/2015

% **2nd March, 2015**

RAJEEV KAUSHAL Petitioner

Through: Mr.U.Srivastava, Advocate.

versus

INSTITUTE OF LIVER & BILIARY SCIENCE & ORS. Respondents

Through: Mr.Priyabrat Sahu, Advocate for R- 1
& 2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. By this writ petition filed under Article 226 of the Constitution of India, the petitioner seeks the appointment to the post of Assistant Professor (Research) against the SC vacancies in the year 2013. Petitioner is an SC candidate and prays that he ought to be declared successful in the selection process of the year 2013.

2. During the course of arguments, I put it to the counsel for the petitioner that the petitioner is claiming appointment to the post of Assistant Professor (Research) in which process, whether of 2013 or of 2014 or of 2015, and counsel for the petitioner replies that no relief is claimed for the interview process of 2014 and 2015 facts of which are mentioned in the writ

petition, and the relief is only claimed for the petitioner being declared successful in the 2013 process.

3. It is argued by the counsel for the petitioner that petitioner was not aware of the result of 2013 selection process and hence he should now be granted appointment. Counsel for the petitioner however is not stating the correct facts because in para 2.7 of the petition itself, the petitioner has written that he was not declared successful in the 2013 selection process because the Selection Committee did not find him suitable for the post of Assistant Professor (Research) in SC category during the interview. I therefore fail to understand as to how the petitioner has taken up a case that the petitioner does not know the result of the 2013 selection process.

4. The writ petition is also otherwise without any merit for three reasons. Firstly, this Court cannot substitute itself for the decision of the selection and interview committee, and which is a body which is entitled to decide the suitability of a person for the post. The said body/Selection Committee has held the petitioner not to be suitable for the post of Assistant Professor (Research) in the 2013 process, and no reasons are given in the writ petition, much less falling within the scope of Article 14 of the Constitution of India, as to why the petitioner should be declared successful for the 2013 selection process.

5. The second reason is that the petitioner has in the entire writ petition not given the parameters of selection to the post of Assistant Professor (Research), and which post as per a reading of the writ petition is a selection post and not an automatic promotion post. Petitioner's right was only therefore to be considered for the post, and the petitioner was considered, but the petitioner was not found successful. Once the petitioner was considered in the selection process, the petitioner can have no grievance if he was declared unsuccessful because the Selection Committee did not find him suitable.

6. The third reason for rejection of the claim of the petitioner is that the 2013 selection process cannot be challenged by means of filing of a writ petition in 2015, because, even as per the writ petition itself, the 2013 selection process was followed up by the 2014 selection process, and therefore the 2013 selection process cannot survive once the subsequent process has commenced and which in fact is complete, and, even possibly the 2015 selection process is now in motion.

7. Dismissed.

MARCH 02, 2015
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VALMIKI J. MEHTA, J