

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P.NO.16325 OF 2012

O R D E R

This writ petition is filed for the following relief:

“To issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring that the petitioner is entitled to be appointed as Accountant Grade –I or II pursuant to the notification issued by the 2nd respondent vide Advt. No.Admn. A2 / 143923/2006 dated 16.08.2010 and Lr.No. IPE/APSCS/ACG.I & II (GGFM)/Appl/2011 dated 20.06.2011 and IP/APSCS/AG.I & II (GGLC)/Appts./2011 dated 20.06.2011, with all consequential benefits by holding the action of the respondents in filing up all the notified vacancies and thereby not-considering the case of the petitioner for appointment against declared vacancies as being, arbitrary, illegal, unjust, as violative of Articles 14, 16 and 21 of the Constitution of India and to pass such other order or orders as the Hon'ble court deem fit in the interest of justice.”

According to the learned counsel for the petitioner, as one of the selected candidates did not join the post of Accountant Grade II, petitioner being the next meritorious candidate, has to be appointed, by maintaining waiting list.

In the counter affidavit, it is the specific assertion of the respondents that petitioner's name did not find place in the final merit list and the merit list was drawn to the extent of vacancies notified by selecting candidates who secured merit and that there is no procedure for maintaining waiting list and the non-joined post of Assistant grade – II was not filled.

Since the name of the petitioner did not find place in the merit list and as it is the specific assertion that there is no system of maintaining the waiting list, the relief prayed for by the petitioner, cannot be granted.

At any rate, the issue is concerning the recruitment conducted in the year 2010-2011. No direction in favour of the petitioner, to treat him as a wait list candidate and to appoint him in the non-joined vacancy, can be issued, after a lapse of more than eight years, when there is no

procedure under the A.P. Public Service Commission Rules, for maintaining waiting list. More so, when the name of the petitioner do not find place in the merit list, merely because he was qualified in the recruitment, no rights would flow in his favour to seek for such a direction.

Writ petition is accordingly dismissed.

Interlocutory applications pending, if any, shall stand closed. No costs.

P.NAVEEN RAO,J

DATE:12—09—2018

AVS

