

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.4510 OF 2019

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

This Writ Petition is filed seeking a writ of mandamus declaring the action of the respondents in not filling up the post of Deputy Director General, CCRUM, Hyderabad, in spite of the notification issued by the first respondent on 17.03.2017, as illegal, arbitrary, discriminatory and unconstitutional and to declare the action of the respondents in partly completing the recruitment process pursuant to the notification issued on 17.03.2017 for Recruitment in Central Council for Research in Unani Medicine (CCRUM), New Delhi, published in March, 2017, for the posts of Director General and Deputy Director General, CCRUM, New Delhi and Deputy Director General, CCRUM, Hyderabad, by only filling up the post of Director General, CCRUM, New Delhi, as illegal, arbitrary, discriminatory and malafide.

Heard Sri P. Gangaiah Naidu, learned Senior Counsel appearing for Ms. G. Bhanu Priya, learned counsel for the petitioner and Sri G. Sanjeev, learned Standing Counsel for R-1.

It has been contended by the Senior Counsel that the petitioner is fully eligible and qualified for being appointed to the posts of Director General and Deputy Director General, CCRUM, Hyderabad and the respondents have issued a recruitment notification for filling up of the posts of Director General and

Deputy Director General, CCRUM, Hyderabad and since he is fully eligible and qualified, he participated in the selection process and done well but the grievance of the petitioner is that though the petitioner has done well in the selection process, the respondents are not acting in pursuance to the said recruitment notification. Hence, the petitioner has sought information under the Right to Information Act, 2005 by submitting an application on 03.01.2019 and the respondents have informed to the petitioner on 08.01.2019 under the Right to Information Act that as far as the Director General post is concerned, the respondents have filled up the said post and in respect of the Deputy Director General, the respondents have not filled up the said post and it is still lying vacant. The petitioner has filed the present Writ Petition seeking a direction to the respondents to fill up the post of Deputy Director General pursuant to the notification dated 17.03.2017 and further direct the respondents to consider the case of the petitioner for appointment to the posts of Director General and Deputy Director General in terms of the notification issued by the respondents and pass appropriate orders.

Learned Standing Counsel appearing for the first respondent submits that the petitioner is not eligible to be considered for the posts of Director General and Deputy Director General in pursuance of the notification dated 17.03.2017. He submitted that the petitioner has no vested right to seek appointment and the respondents have not yet finalised the recruitment process, which would be finalised within short time.

Therefore, there are no merits in the Writ Petition and it is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the petitioner to submit a fresh representation ventilating his claim for appointment to the posts of Deputy Director General and Director General pursuant to the notification dated 17.03.2017 within two weeks from the date of receipt of a copy of this order and upon such representation being made, the respondents shall consider the same and pass appropriate orders in accordance with law in another four weeks thereafter.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

12th November 2019
RRB