

HIGH COURT FOR THE STATE OF TELANGANA
THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION No.18987 of 2019

Date: 27.09.2019

BETWEEN

V. Suresh Babu.

... PETITIONER

AND

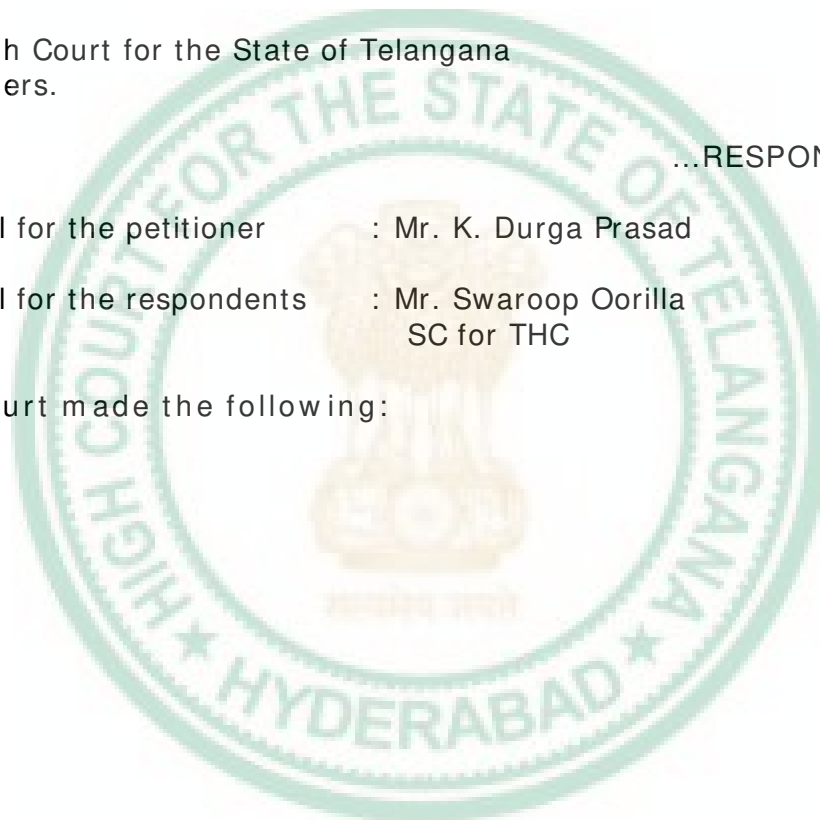
The High Court for the State of Telangana
and others.

...RESPONDENTS

Counsel for the petitioner : Mr. K. Durga Prasad

Counsel for the respondents : Mr. Swaroop Oorilla
SC for THC

The Court made the following:



ORDER: { Per the Hon'ble the Chief Justice Sri Justice Raghvendra Singh Chauhan}

The petitioner has challenged the legality of notification dated 07.08.2019, issued by the Principal District and Sessions Judge, Khammam, the respondent No.3, cancelling the vacancies notified for the posts of Junior Assistants, Typists, Copyists, Field Assistants, Examiners, Process Servers etc.

The brief facts of the case are that on 04.05.2015, the respondent No.3 had issued a notification inviting applications for appointment to the post of Junior Assistant. The written examination was held on 12.06.2016. However, the selection process never culminated into appointment of any candidate. In fact, the selection process was left incomplete. On 07.08.2019, the respondent No.3 has issued the impugned notification calling for applications for selection to the posts as mentioned hereinabove. Hence, this petition before this Court.

The learned Standing Counsel for the respondents has raised a preliminary objection with regard to the maintainability of the present petition. According to the learned counsel, since the petitioner did not have a civil right, or a fundamental right to be appointed to the post of Junior Assistant even under the previous notification dated 04.05.2015, he cannot plead that the said selection process should be completed. Since there is no violation of civil or fundamental right, the present petition is not maintainable. Moreover, in the impugned notification, the age relaxation has also been given. Therefore, the petitioner is free to compete under the said notification. Hence, according to the learned counsel, this writ petition is neither maintainable, nor any relief can be granted to the petitioner.

On the other hand, the learned counsel for the petitioner submits that the principles of natural justice have been violated; it is unfair on the part of the respondents to expect the petitioner to compete with the younger generation. Therefore, the petitioner claims that he is entitled to a relief from this Court.

Heard the learned counsel for the parties, and perused the record.

It is, indeed, trite to state that a person, who participates in the selection process, does not have a civil, or a fundamental right of appointment. He merely has an inchoate right of consideration. Therefore, the petitioner cannot claim that he has a civil, or a fundamental right to be appointed as Junior Assistant under the previous notification. Hence, the present writ petition is not maintainable under Article 226 of the Constitution of India.

For the reasons stated above, this Court does not find any reason to entertain this writ petition. It is, hereby, dismissed. As a sequel, miscellaneous petitions, pending if any, stand dismissed as infructuous. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

September 27, 2019
DSK