

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE DR. SHAMEEM AKTHER**

WRIT PETITION No.42874 of 2016

ORDER: (per Hon'ble the Chief Justice Raghvendra Singh Chauhan)

The petitioner has challenged the letter dated 03.08.2016 issued by the Registrar (Recruitment) of this Court, whereby the Registrar had informed the Principal District and Sessions Judge, Khammam, that the selection process, which commenced with Notification No.1 of 2014 dated 10.10.2014 has been cancelled, on administrative grounds by the High Court.

The learned counsel for the petitioner submits that the petitioner had not only participated in the selection process, but according to the counsel, he was also selected for the post of Office Subordinate (Attender) in the District Court, Khammam. However, without giving any reasons for cancellation of the selection process, by letter dated 03.08.2016, the Principal District and Sessions Judge was informed that the entire selection process has been cancelled. Secondly, that since the petitioner has become over-age, the petitioner has been denied the right of employment, and the right of appointment through the impugned letter.

On the other hand, the learned standing counsel for the respondent No.1 submits that in fact, reasons have been given in the impugned letter. Therefore, the learned counsel for the petitioner is not justified in claiming that the selection process was cancelled arbitrarily. Secondly, the petitioner cannot claim that he has a right of appointment to a post. For, the said right is an inchoate one. Even if his name were shown in the selection list,

even then, he cannot claim either a civil right, or a fundamental right, to an appointment. Therefore, according to the learned counsel for respondent No.1, the writ petition is highly misplaced.

Heard the learned counsel for the parties.

It is, indeed, trite to state that a person, who participates in the selection process, does not have either a civil right, or a fundamental right to appointment to a post, even if he were to be selected. Till the appointment letter is issued, the right continues to be an inchoate right.

A bare perusal of the letter dated 03.08.2016 clearly reveals that the selection process was cancelled on “administrative grounds”. There is no requirement of law to specify the “administrative ground” for which the selection process was cancelled. Therefore, the learned counsel for the petitioner is unjustified in claiming that the selection process was cancelled without giving any reasons for the same, thus, arbitrarily.

Even if the petitioner has become over-age for seeking appointment to the post of Office Subordinate (Attender), this Court would not be justified in setting aside the impugned letter. Moreover, the same issues were raised before this Court in W.P.Nos.29407, 30082, 32710 and 36700 of 2016; the learned Division Bench dismissed the said writ petitions by order dated 24.03.2017. Therefore, the present case is squarely covered by the said decision.

For the reasons stated above, this Court does not find any merit in the present case. Therefore, the writ petition is, hereby, dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

There shall be no costs.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(Dr. SHAMEEM AKTHER, J)

09.08.2019

Pln/tsr

