

**THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

WRIT APPEAL No.1564 of 2018

JUDGMENT: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the appellant-writ petitioner and the learned Standing Counsel for the first respondent – University.

2. The first respondent – University issued a Notification dated 29.07.2007 for selection to various posts. The category at Sl.No.11 is Lower Division Clerk. It shows that five vacancies were notified, out of which, one reserved for Scheduled Caste, one for Scheduled Tribe and three for OBC. Entry in the description of the post also shows that one post for Academic Staff College tenure based upto the end of the XI plan period. The writ petitioner applied and competed. She claims to be a member of an OBC. She did not get selected. She filed the writ petition seeking that the entire selection process be set aside. The learned Single Judge had dismissed it holding that there is no illegality in this selection process. Hence, this writ appeal.

3. Learned counsel for the appellant-writ petitioner pointed out that as against the total number of five vacancies notified, six appointments have been made as if six vacancies are available.

4. The Employment Notification No.22/2007, dated 29.07.2007, published in the newspaper, is available at Page No.21 of the paper book. Among other things, it shows that the vacancies stated in the notification are tentative. That position notwithstanding, it is not as if a Scheduled Caste or a Scheduled

Tribe or an Open Merit Category candidate, who has challenged the selection. The writ petitioner is an OBC candidate. Even if there is any surplus appointment, the surplus is as regards the appointment of OBC candidates. Obviously therefore, no personal grievance can be made out by the writ petitioner which in fact enures to the benefit of the OBC category candidates. As rightly pointed out by the learned Standing Counsel for the first respondent – University, the challenge was levied through the writ petition more than a year after the selection process and the relief sought for in the writ petition was omnibus in nature; as if to have the entire selection process set aside; rather than even tried to demonstrate that the writ petitioner has been meted out with hostile discrimination in having been excluded from being selected.

5. With the aforesaid, we do not find our way to interfere with the decision of the learned Single Judge through this intra Court appeal.

6. The appeal fails and the same is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

A.RAJASHEKER REDDY, J

Date: 07.03.2019

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