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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8350/2018

SHYAM

..... Petitioner

Through: Mr. Bharat Misra, Advocate.

versus

MOTILAL NEHRU COLLEGE (EVENING) & ANR

..... Respondents

Through: Mr. Mohinder J.S. Rupal, Mr.Kousik Ghosh and Ms.Manisha Relia, Advocates.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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10.01.2020

By the instant petition, the petitioner, in effect, seeks issuance of a Writ of Mandamus for being appointed to the post of Computer Lab Attendant (MTS Computer) with the respondent no.1–Motilal Nehru College (Evening) in short ‘the College’.

Precisely, the petition proceeds on the premise that the petitioner had applied for being appointed to the given post on the issuance of advertisement dated 09.12.2014 in Hindustan Times newspaper by the College inviting applications *inter alia* to fill up the post of Computer Lab Attendant (MTS Computer). The petitioner was successful in the written examination and is stated to have secured the highest marks. As per the said advertisement, the candidates, who qualified the written examination were to undergo the process of interview. It appears, meantime, Govt. of India,

Ministry of Personnel and Training, Public Grievances and Pension issued office memorandum dated 29.12.2015 dispensing with the interviews for MTS. The petitioner was neither called for interview nor was afforded any appointment. Later, the College proceeded to issue another advertisement inviting applications afresh *inter alia* the post, for which the petitioner had applied on the issuance of the advertisement dated 09.12.2014. This advertisement inviting applications was issued on 06.04.2017, which forms part of the paper book as Annexure 'P6'. Ld. counsel for the petitioner during the course of hearing does concede that the petitioner did apply for being appointed to the given post on the issuance of the said advertisement dated 06.04.2017, as well. Whether the petitioner was successful on the application made in pursuance of the advertisement dated 06.04.2017, on being queried, ld. counsel for the petitioner feigns ignorance. Be that as it may, the fact remains that the process of selection initiated on the issuance of the advertisement dated 09.12.2014, was abandoned. Once it so happened, what is the legal right vesting in the petitioner to assert appointment to the given post, cannot be understood. Mr. Rupal, ld. Standing Counsel for the University on his part submits that the process of selection initiated on the issuance of the advertisement dated 09.12.2014 was valid for a period of 18 months and that expired in July, 2016 and therefore, the College was required to issue a fresh advertisement. Why the College abandoned the process of selection, neither the petitioner nor Mr. Rupal, ld. counsel for the University is able to point out. Be that as it may, in the absence of any offer of appointment to the petitioner, if, the appointing authority chose to abandon the selection process initiated earlier in the absence of any material to reflect its perversity and to look into

inasmuch as nothing comes to be pointed out in that regard, cannot be faulted with. It does not require elaboration that the prerogative of the employer to give employment, of course, bound by the statutory instructions, unless, the aggrieved person points out for being perverse, cannot be faulted with.

For the foregoing reasons, the petition is unmerited and is dismissed.

A. K. CHAWLA, J

JANUARY 10, 2020

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