



2024:DHC:1045-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 12.02.2024

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W.P.(C) 1979/2024

AMRIT CHATTHA AND ANOTHER

..... Petitioner

Through: Mr. S.K.Anand, Mr. J.B.Sagar, Mr.
Bhuvan Anand, Advs.

versus

SPORTS AUTHORITY OF INDIA AND OTHERS Respondent

Through: Mr. Ankit Raj, Sr.Panel Counsel with
Mr. Rajnish Kumar, Advs., Mr. Rishesh Mani
Tripathi, G.P. for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

REKHA PALLI, J (ORAL)

CM APPL. 8273/2024 -Ex.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 10.10.2023 passed by the learned Central Administrative Tribunal in O.A. No. 1677/2022. Vide the impugned order, the learned Tribunal has



rejected the original application filed by the two petitioners seeking directions to the respondent no.1 to appoint them as Assistant Coach (Hockey) on the strength of their having been placed in the wait list pursuant to the selection process held in 2017 in accordance with the advertisement issued in 2016.

4. In support of the petition, Mr. S.K. Anand, learned counsel for the petitioners submits that the impugned order is liable to be set aside as the learned Tribunal has failed to appreciate that the selection process, which was held pursuant to the advertisement issued in 2016, did not prescribe any time period for which the wait list was to remain valid and therefore the petitioners, who were placed in the said wait list, ought to have been appointed. By placing reliance on the decision of the Apex Court in *Gujarat State Dy. Executive vs. State of Gujarat and Ors, (1994) Supp (2) SCC 591*, he submits that since the advertisement issued by the respondent did not specifically provide any time period for which the wait list was to be valid, appointments were required to be made from the said list till the fresh selection process for appointment to the said post was undertaken.
5. He further contends the petitioners have been discriminated against as while the person placed at serial no.1 in the wait list has been appointed as Assistant Coach (Hockey) on a regular basis, the petitioners are being given appointments on contractual basis from time to time. He therefore prays that the writ petition be allowed and the respondent be directed to appoint the petitioners as Assistant Coach (Hockey) on a regular basis.
6. On the other hand, learned counsel for the respondent supports the



impugned order and submits that merely because the petitioners were placed in the wait list would not bestow any vested right on them to seek appointment. He submits that the person at serial no.1 in the wait list.1 was appointed only because one of the candidates out of the 10 candidates in the select list did not join and therefore the petitioners cannot claim any parity with him. Furthermore, the petitioners were well aware that a fresh advertisement inviting applications for the said post was issued in 2021, in response where to they also applied but were unsuccessful. He, thus, submits that the petitioners cannot now seek appointment to the post of Assistant Coach (Hockey) and therefore prays that the petition be dismissed.

7. Having considered the submissions of the learned counsel for the parties and perused the record, we find that only ten vacancies for the post of Assistant Coach (Hockey) were advertised in 2016, all of which stands filled. Nine vacancies having been filled by the candidates in the select list and one by the candidate placed at serial no.1 in the wait list. The petitioners having been placed at lower positions in the wait list cannot have any grievance when all the ten posts, as advertised, were filled up by candidates, higher in merit than them.
8. We have also considered the petitioner's plea that since it was not specified that the wait list would be valid only for one year, the same would be valid till the next regular selection is made. We, however, find that even if this plea of the petitioners were to be accepted, nothing much would turn on this since no further appointments were made till the next regular selection, which, it is the petitioner's own



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case, commenced in March, 2021, when fresh applications for filling up the posts of Assistant Coach (Hockey) were invited. Furthermore, the petitioners without any demur, participated in the said selection process and it is only when they were unsuccessful that they chose to approach the learned Tribunal. The petitioners, having participated in the fresh selection process, cannot now be permitted to urge that by virtue of their being placed in the wait list, they should have been appointed as regular Assistant Coach (Hockey) before resorting to the fresh selection list. We, are therefore, of the considered opinion that looked at from any angle, no direction can be issued to the respondent at this belated stage to appoint the petitioners on the strength of their having been placed in the wait list in 2017.

9. For the aforesaid reasons, we find no infirmity in the order passed by the learned Tribunal rejecting the petitioners' claim for appointment as Assistant Coach (Hockey).
10. The petition being meritless is, accordingly, dismissed.

(REKHA PALLI)
JUDGE

(RAJNISH BHATNAGAR)
JUDGE

FEBRUARY 12, 2024
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