

Supreme Court of India

State Of Haryana And Ors vs Mahabir Prasad Sharma And Ors on 7 February, 1994

Bench: K. Ramaswamy, B.L. Hansaria

CASE NO. :

Appeal (civil) 896-898 of 1994

PETITIONER:

STATE OF HARYANA AND ORS.

RESPONDENT:

MAHABIR PRASAD SHARMA AND ORS.

DATE OF JUDGMENT: 07/02/1994

BENCH:

K. RAMASWAMY & B.L. HANSARIA

JUDGMENT:

JUDGMENT 1994(1) SCR 697 The following Order of the Court was delivered :

Leave granted.

1. Heard learned counsel on both sides. These appeals arise out of the order dated August 4, 1992 of the Division Bench in Civil Writ Petition No. 17600 of 1991 etc. The admitted facts are that the appellant-State had requisitioned to the Sub-ordinate Selection Committee to recruit by direct recruitment 11 candidates to the post of Chief Inspectors. They have categorised the vacancies as under: -

6 posts for General Candidates 2 posts for Scheduled Caste 1 post for Backward Class 2 posts for Ex-serviceman While selecting 11 candidates the Committee also kept four more candidates in the waiting list. The respondents stand at SI. Nos. 8 to 11. They admittedly belong to the general category.

2. The High Court while disposing of the matter held that keeping the candidates in the waiting list does not create any right in their favour in the posts, but if the appellant for administrative exigencies fill up the post on ad hoc basis then it is open to the appellants to appoint the candidates waiting in the list in the order of merit. The contention of Ms. Indu Malhotra, learned counsel for the State, is that the list had elapsed by efflux of time of one year and the candidates who were waiting in the list have no right to claim for appointment. The High Court is, therefore, not right in directing appointment of candidates in the waiting list in the order of merit. It is true that the waiting list will be valid only for one year and on the expiry thereof the waiting list shall stand lapsed; but what the High Court appears to have directed was that in the event of any ad hoc appointments being made to any existing vacancies, de hors the rule, the respondents will be considered for ad hoc appointment since their-names are in the select list, provided the Government chooses to make such appointment.

3. We do not find any illegality in the observations of the High Court. It is one of option to the appellants. If the appellants do not make any appointments to the posts, the question of considering the claims of the waiting list candidates does not arise. In the event of the appellants' choosing to make appointments on ad hoc basis, then certainly the candidates in the waiting list, though it lapsed, must be considered for appointment de hors the Rules which may not confer any right on them for future recruitment. It is only an enabling direction to make temporary appointment pending regular recruitment.

4. It is needless to mention that the respondents being the general candidates will be considered only against the quota reserved for general candidates.