

Supreme Court of India

Dr. Vikram Singh vs Union Of India (Uoi) And Ors. on 20 October, 1997

Equivalent citations: (1998) 9 SCC 254

Bench: A Anand, K Venkataswami

ORDER

1. Special leave granted.

2. The appellant, a science graduate from Meerut University, subsequently obtained Diploma in Homeopathic Science (DHMS) from Delhi University in 1976. He also has a Bachelor's Degree in Homeopathic Science from Bihar University at Muzaffarpur. In 1982 he was selected as an Assistant Research Officer (Homeopathic Science). In 1983 he was transferred to Bahadurgarh in Haryana and then to Brindavan in U.P. in 1984 where he worked till 1989. The petitioner was, thereafter, posted at Bombay in the institute directly under the control of CCRH at Vile Parle, Bombay. While the appellant was posted at Bombay, he applied for the post of Assistant Director, Homeopathic pursuant to an advertisement which is attached as Annexure 'B' to this appeal. It is the case of the appellant that from 1989-93 no interviews took place and on 18-6-1993 the Selection Committee after considering the case of the appellant selected him. However, no appointment letter was issued. The representation of the appellant for his appointment on the ground that he had been duly selected pursuant to the selection held by the Committee keeping in view the terms of the advertisement issued in 1989, yielded no result. The appellant, thereupon filed Writ Petition No. 552 of 1996 in the High Court. The writ petition was, however, dismissed by a Division Bench of the Bombay High Court on 30-7-1996. This order has been put in issue in this appeal by special leave.

3. We have heard learned counsel for the parties.

4. The impugned order dated 30-7-1996 reads thus: "The petitioner was recommended for the post of Assistant Director, Homeopathy. The recommendation was not approved by the Hon'ble + Arising out of SLP(C) No. 18891 of 1996 Minister. The Rules regarding appointment have now been amended as per Exhibit F to the petition and more posts have been created. It, therefore, no longer continues to be an isolated post. In the advertisement now issued the post is shown reserved for Backward Class candidate. Since the petitioner had not been appointed, he cannot have a valid claim over the post which is now reserved. Rejected."

5. Mr. Raju Ramachandran, learned Senior Counsel appearing for the appellant, submits that the High Court by this brief order has non-suited him on non-existent grounds. It is pointed out that the Rules had not been amended and the observations of the High Court to the contrary are incorrect. It is also submitted that the observations of the High Court that under the Rules more posts have been created is also factually incorrect. Learned counsel further submits that the observations of the High Court that "In the advertisement now issued" the post is shown as reserved for Backward Class candidate, is also incorrect because no advertisement had been issued subsequent to the advertisement issued in 1989. The learned counsel for the respondents is unable to controvert the submissions made by Mr. Raju Ramachandran. The High Court, apparently fell into error in non suiting the appellant on non-existent grounds. The order of the High Court cannot, under the

circumstances, be sustained. We, accordingly, allow this appeal and set aside the impugned order of the High Court dated 30-7-1996 and remand Writ Petition No. 552 of 1996 to the High Court for its fresh disposal in accordance with law. We request the High Court to dispose of the case expeditiously. There shall be no order as to costs.