

GAHC010010522012



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6148/2012

JOYSREE RAJKUMARI
D/O- LALIT CHANDRA DEKA, R/O VILL. and P.O. - GHAGUA, DIST.-
MORIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM and ANR.
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM,
SECRETARIAT ADMINISTRATION DEPTT., DISPUR, GHY- 6.

2:THE DIRECTOR OF ARCHIVES
ASSAM
DISPUR
GHY- 6

Advocate for the Petitioner : MS.G MAHANTA, MR.K M HALOI

Advocate for the Respondent : , GA, ASSAM

Linked Case : WP(C)/1076/2015

MISS JOYSREE RAJKUMARI
D/O LALIT CHANDRA DEKA R/O VILL- GHAGUA P.O. GHAGUA
DIST. MORIGAON
ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE CHIEF MINISTER OF ASSAM
AND SECRETARIAT ADMINISTRATION DEPARTMENT ARCHIVES
DISPUR
GUWAHATI-6.

2:THE DIRECTOR OF ARCHIVES
ASSAM
DISPUR
GUWAHATI-6.

3:SMTI. LUNA DEKA BARUAH
W/O SHRI BHASKAR JYOTI BARUAH R/O VILL- NIZMANKATA P.O.
KHONGIA GAON
DIST. DIBRUGARH
ASSAM
PIN - 786003
PRESENTLY WORKING AS JUNIOR ADMINISTRATION ASSISTANT OFFICE OF
THE DIRECTOR OF ARCHIVES
ASSAM
DISPUR
GUWAHATI-6.

4:SMTI. NILIMA ROY DEKA
W/O SHRI HARIHAR ROY R/O PUB SURUJ NAGAR P.O. KAHILIPARA
GUWAHATI- 19
PRESENTLY WORKING AS JUNIOR ADMINISTRATIVE ASSISTANT
OFFICE OF THE DIRECTOR OF ARCHIEVES
ASSAM
DISPUR
DISPUR
GUWAHATI-6.

Advocate for : MR.K M HALOI
Advocate for : MS.SOMILA appearing for THE STATE OF ASSAM AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

Date of Hearing: 14.08.2024

Date of Judgment: 12.11.2024

JUDGMENT & ORDER (CAV)

Heard Mr. K. M. Haloi, learned counsel for the petitioner in both the writ petitions i.e., WP(C)6148/2012 and WP(C)1076/2015. Also heard Mr. P. Nayak, learned Standing Counsel representing the General Administrative Department, for the State respondents and Mr. M. K. Choudhury, learned Senior Counsel assisted by Mr. B. Sharma appearing for the respondent nos. 3 & 4 in WP(C)1076/2015.

2. The writ petitioner had instituted WP(C)6148/2012, assailing an advertisement dated 03.07.2012, issued by the Director of Archives, Assam for recruitment to 02(two) posts of LDA/JAA on the ground that the posts in question, considering the cadre strength of the cadre of Junior Assistant, could not have been exclusively reserved for Reserved community candidates.

3. WP(C)/1076/2015 has been so instituted assailing the appointments as effected in respect of the respondent nos. 3 & 4 therein, in pursuance to the said advertisement dated 03.07.2012.

4. The Director of Archives, Assam had issued an advertisement dated 03.07.2012, inviting applications for recruitment against two posts of LDA/JAA in the establishment. The petitioner, who is a General community candidate, being aggrieved by the reservation of the two posts so advertised solely for reserved community candidates, had approached this Court by way of instituting WP(C)6148/2012, assailing the said advertisement.

5. The petitioner, in the writ petition had contended that the cadre strength of the post of LDA/JAA, in the Directorate of Archives, Assam being 03(three), 02

posts vacant could not have been reserved in the said advertisement for reserved communities, inasmuch as, the same would be in excess of the quota mandated for Reserved community candidates in the cadre of LDA/JAA, in the establishment and the same accordingly, would require an interference.

6. This Court, vide order dated 17.12.2012; while permitting the respondent authorities to proceed with the selection process in pursuance to the said advertisement dated 03.07.2012, had directed that no appointment in pursuance to the same shall be so effected. It is seen that the respondent authorities had proceeded with the selection process and had published a select list on 18.12.2012 and had therein, incorporated the names of Smti Luna Deka Baruah and Smti Nilima Roy Deka for appointment against the post of Junior Assistant so advertised vide the advertisement dated 03.07.2012. The said selected candidates, not being extended with an order of appointment had approached this Court by way of instituting WP(C)5581/2013. This court, vide Judgment and Order dated 13.03.2014, on considering the issues so arising in the matter, proceeded to allow the same by directing the Director of Archives, Assam to issue appointment orders to the petitioners within the time frame so prescribed. It is seen that thereafter, the matter was processed at the departmental level and in pursuance to the Government in the Secretariat Administration (Establishment) Department, granting it's No Objection for compliance with the directions passed by this Court vide the said Judgment and Order dated 13.03.2014 in WP(C)5581/2013, the Director of Archives, Assam, vide office orders both dated 25.04.2014, proceeded to appoint said Smti Luna Deka Baruah and Smti Nilima Roy Deka against the post of LDA/JAA. Accordingly, the said selected persons joined their respective services and are continuing against the same till date.

7. Being aggrieved by the appointments so effected in respect of the said selected candidates in pursuance to the advertisement dated 03.07.2012, the

petitioner, by impleading the said persons as respondents no. 3 & 4 had instituted WP(C)1076/2015, assailing the appointments so effected in their cases. The said appointments are being assailed on the ground that the same was effected in clear violation of the interim directions as passed by this Court, vide order dated 17.12.2012 in WP(C)6148/2012.

8. Mr. K. M. Haloi, learned counsel for the petitioner by reiterating the facts as noticed herein above, has submitted that the respondent authorities could not have proceeded at the first instance to issue the advertisement dated 03.07.2012, reserving the two posts so advertised for Reserved Community candidates, inasmuch as the cadre strength of the cadre of LDA/JAA in the Director of Archives, Assam, being 3(three) posts the reservations so made in respect of the reserved communities vide the advertisement dated 03.07.2012, was in excess of the quota mandated for Reserved Community candidates in the said cadre under the provisions of the Section 4 of the Assam Scheduled Caste and Scheduled Tribes (Reservation of Vacancies in services and posts) Act, 1978. Mr. Haloi, learned counsel submits that the advertisement dated 03.07.2012 having been so issued in clear violation of the provisions of the said Act of 1978; the same could not have been taken to its logical conclusion. Mr. Haloi, by referring to the interim directions passed by this Court, vide order dated 17.12.2012 has submitted that this Court having restrained the respondent authorities from effecting any appointment in pursuance to the advertisement dated 03.07.2012, the appointment as effected in respect of the private respondent nos. 3 & 4 in WP(C)/1076/2015 clearly is not sustainable and would require an interference.

9. Mr. Haloi, learned counsel has contended that the pleadings brought on record on behalf of the respondent authorities in both the writ petitions would go to reveal that the respondents, herein, were in the knowledge of the interim directions passed by this Court vide order dated 17.12.2012 in WP(C)6148/2012,

before the proceedings in WP(C)5581/2013 was taken up for final consideration by this Court vide the order dated 13.03.2014; however, the said aspect of the matter was not brought to the notice of the Co-ordinate Bench of this Court, considering the issue involved in WP(C)5581/2013. Accordingly, he submits that the Judgment and Order dated 13.03.2014, passed by the Co-ordinate Bench of this Court in WP(C)5581/2013 could not have been implemented by the respondent authorities.

10. In the above premises, Mr. Haloi, learned counsel submits that the advertisement dated 03.07.2012 and the consequential appointment made in pursuance thereof, in respect of the respondent nos. 3 & 4 in WP(C)1076/2015, requires to be interfered with, with further directions to the respondent authorities to issue a fresh advertisement without reserving any of the post involved for Reserved community candidates.

11. Mr. P. Nayak, learned Standing Counsel appearing for the State respondents in both the writ petitions had submitted that the advertisement dated 03.07.2012 was so issued by reserving the post involved for Reserved community candidates, strictly, in accordance with the position as existing in the cadre of LDA/JAA, inasmuch as, the manner in which the posts in question were so filled up in the processes of recruitment prior to the one so initiated vide the advertisement dated 03.07.2012, had mandated the reservation of the post so involved for ST(P) Community candidate as well as for the SC community candidates. Mr. Naik, learned counsel has further submitted that the Director of Archives, Assam in the proceeding of WP(C)5581/2013 had issued specific instructions to the Government counsel appearing for the State respondents about the interim directions passed by this Court in the proceeding of WP(C)6148/2012; however, it is seen that said instructions were not placed before the Co-ordinate Bench of this Court, while it had considered the issues arising in WP(C)5581/2013.

12. Mr. Nayak, learned Standing Counsel by taking this Court through the instructions received by him in the matter, has categorically stated that the then Director of the Archives, Assam had issued specific communications to the learned Government Counsel appearing for the State respondents in WP(C)5581/2013 about the pendency of the proceedings in WP(C)/6148/2012, however it is seen that the said instructions for reasons unknown were not placed before the Co-ordinate Bench of this Court while considering the issues arising in WP(C)5581/2013 and accordingly, directions came to be issued by the Co-ordinate Bench of this Court towards appointing the respondent nos. 3 & 4 in WP(C)1076/2015, in pursuance to their selection for appointment against the posts so advertised vide the advertisement dated 03.07.2012. Mr. Nayak, has submitted that the then Director of Archives, Assam vide communication dated 19.02.2014, had communicated to the respondent no. 4 about the interim directions passed by this Court in WP(C)6148/2012 for the reason of which, her appointment was not permissible to be effected. Such communication was stated to have been so issued in pursuance to the representation submitted by the respondent no. 4 on 18.02.2014 to the Director of Archives, Assam.

13. It is contended by Mr. Nayak, learned counsel that the writ petition being WP(C)5581/2013 was disposed of by the Co-ordinate Bench of this Court vide Judgment and Order dated 13.03.2014, which is much after the date of issuance of the said communication dated 19.02.2014 to the respondent no. 4, herein, however, for reasons not known, the said aspect of the matter was not placed before the Co-ordinate Bench of this Court while WP(C)5581/2013 was taken up for final disposal. The then Director of Archives, Assam had preferred a review petition being Review Petition No. 47/2015, praying for review of the Judgment and Order dated 13.03.2014, passed by the Co-ordinate Bench of this Court in WP(C)5581/2013. However, the Co-ordinate Bench of this Court, vide order dated 11.05.2017 had closed the review petition by noticing that the respondent

authorities had already appointed the respondent nos. 3 & 4 in WP(C)1076/2015 and accordingly, the directions passed by the Co-ordinate Bench of this Court vide order dated 13.03.2014, having been complied with and such appointments having been put to challenge in the proceedings of WP(C)1076/2015, the review petition was not further proceeded with.

14. Mr. M. K. Choudhury, learned Senior Counsel assisted by Mr. B. Sharma, learned counsel appearing for the respondent nos. 3 & 4 in WP(C)1076/2015 has submitted that the said respondents were not in the knowhow of the interim directions passed by this Court, vide the order dated 17.12.2012 in WP(C)6148/2012. Mr. Choudhury, has further submitted that in pursuance to the selection process as conducted in pursuance to the advertisement dated 03.07.2012 and the said respondents having been selected for appointment against the posts so advertised and the appointments having been not effected, the respondents no. 3 and had approached this Court by way of filing WP(C)5581/2013, praying for their appointment against the posts for which they were so selected.

15. This Court, vide Judgment and Order dated 13.03.2014, had on consideration of the issues so involved and also noticing the submission made by the learned State Counsel appearing in the matter that in absence of instructions, he was not in a position to effectively assist the Court in the case, proceeded to pass orders directing the Director of Archives, Assam to issue consequential orders of appointment to the petitioners, within the time frame prescribed therein.

16. This Court had issued the said directions on reaching a conclusion that there existed no reason or justification to deny appointment to the petitioners, therein, i.e. the respondent nos. 3 & 4 in WP(C)/1076/2015, who have been selected and recommended for appointment, following a due process of selection.

It was further held by the Co-ordinate Bench of this Court that selected candidates have a legitimate expectation that they would be appointed and it is not permissible to keep such selected candidates in a state of uncertainty by denying to them their due appointments.

17. Mr. Choudhury, learned Senior Counsel has further submitted that in pursuance to the directions passed by this Court, vide the Judgment and Order dated 13.03.2014 in WP(C)5581/2013; the Director of Archives, Assam, upon receiving due approval from the Government had proceeded to appoint the said respondents by issuing Office Orders both dated 25.04.2014. Mr. Choudhury, accordingly, submits that the respondent nos. 3 & 4 in WP(C)1076/2015, are not at fault for the appointments so effected in their case and they having continued in their services w.e.f., from the date of their respective appointments i.e., w.e.f. 25.04.2014 till this very date, such appointments would not be required to be interfered by this Court at the instance of the petitioner, who is not a candidate participating in the selection process involved.

18. Mr. Choudhury, learned Senior Counsel for the private respondents by referring to the affidavit filed in the matter by the respondent nos. 3 & 4 has contended that after issuance of the advertisement dated 03.07.2012, the respondent authorities had issued a further advertisement dated 13.12.2012, wherein two posts of LDA/JAA were put up for recruitment and the same was not reserved for any Reserved community candidate. It is further contended that the petitioner, herein, having not applied in pursuance to the said advertisement dated 13.12.2012, she cannot now turn around and assail the appointments made in respect of the respondents, herein, which recruitment process was so made, vide the advertisement dated 03.07.2012; strictly, for Reserved community candidates.

19. Mr. Choudhury, learned Senior Counsel by referring to the pleadings brought

on record in the matter by the State respondents has submitted that the prescription of reservation for SC and ST (P) community candidates in the advertisement dated 03.07.2012, was strictly so made appreciating the manner in which the posts in the cadre of LDA/JAA of the Directorate of Archives, Assam were filled up over the period of time and accordingly, the same would not call for any interference by this Court, at this distant point of time.

20. Mr. Choudhury, learned Senior Counsel, in response to the queries made by this Court during the hearing of the present proceedings has, on instructions, submitted that the respondents were not in the knowhow of the interim directions passed by this Court, vide order dated 17.12.2012 in WP(C)6148/2012. Mr. Choudhury, has further questioned the purported representations stated to have been made by the respondent no. 4 on 18.02.2014, before the Director of Archives, Assam. Mr. Choudhury, has further submitted that the communication dated 19.02.2014, purportedly issued by the then Director of Archives, Assam to the respondent no. 4 intimating the reason for non-issuance of appointment letters to her, in pursuance to her selection for the post of LDA/JAA, was never received by the respondent no. 4. Mr. Choudhury has further submitted that the representation dated 18.02.2014, contended by the authorities to have been purportedly submitted by the respondent no. 4 was in fact were never submitted by her.

21. Mr. K. M. Haloi, learned counsel for the petitioner, rejoining his submission, has submitted that the non-submission by the petitioner of an application for recruitment in pursuance to the advertisement dated 13.12.2012 would be of no consequence, inasmuch as, the said advertisement is not under challenge in the present proceeding and it is the process so initiated vide the advertisement dated 03.07.2012, for recruitment to the post of LDA/JAA and the 100% reservation of the posts so advertised for Reserved Community candidate that is under

challenge in the present proceeding. Mr. Haloi, has further submitted that the petitioner in the present proceeding, not being a party respondent in the proceeding of WP(C)5581/2013 was prevented from bringing to the notice of this Court about the interim directions passed vide order dated 17.12.2012 in WP(C)6148/2012. He further submits that the State respondent as well as the private respondents involved in the present proceedings were in the knowhow of the said interim directions, however, the same was suppressed from this Hon'ble Court during the consideration of the issues arising in WP(C)5581/2013.

22. In view of the above position, Mr. Haloi, learned counsel for the petitioner submits that the impugned advertisement dated 03.07.2012 along with the appointments made thereon, in respect of the respondent nos. 3 & 4 in WP(C)1076/2015 would call for an interference from this Court.

23. I have heard the learned counsels appearing for the parties and also perused the materials available on record.

24. The writ petitioner, initially had approached this Court by way of instituting WP(C)6148/2012, assailing an advertisement dated 03.07.2012, issued by the Director of Archives, Assam on the ground that the same was not maintainable on account of the fact that all the posts advertised were reserved for Reserved Community Candidates, which was in excess of the reservation permissible, considering the cadre strength of the post of LDA/JAA in the establishment of the Directorate of Archives, Assam. The petitioner had in the writ petition, contended that the cadre strength of the post of LDA/JAA is 03(three) and accordingly, 02(two) posts could not have been reserved for Reserved Community candidates. It is the further contention of the petitioner that no quota working out for any of the Reserved community candidate, in the cadre of LDA/JAA, it was not permissible to reserve any post, for any of the reserved communities in the said advertisement.

25. This Court, on examining the matter, had vide order dated 17.12.2012, permitted the respondent authorities to proceed with the selection process so initiated vide the advertisement dated 03.07.2012, but had restrained the respondent authorities from effecting any appointment in pursuance thereof. The respondent authorities had accordingly, proceeded with the selection process and published a select list, wherein the names of the respondent nos. 3 & 4 in WP(C)1076/2015 came to be so incorporated. Without reference to the proceeding in WP(C)6148/2012, the respondent nos. 3 & 4 in WP(C)1076/2015 had instituted WP(C)5581/2013 praying for a direction upon the respondent authorities for issuance to them their appointment letters in pursuance to their selection for the posts of LDA/JAA as advertised vide the advertisement dated 03.07.2012. The said writ petition being WP(C)5581/2013 was given a final consideration and vide Judgment and Order dated 13.03.2014, the same was allowed with a direction to the Director of Archives, Assam to issue consequential orders of appointment to the petitioners therein i.e., the respondent nos. 3 & 4 in WP(C)1076/2015.

26. A perusal of the Judgment and Order dated 13.03.2014, passed by the Co-ordinate Bench of this Court in WP(C)5581/2013 would go to reveal that though time was granted to the respondent authorities to place instructions in the matter, however, no affidavit and/or instructions came to be placed on record in the proceeding of WP(C)5581/2013. The respondent authorities had not placed before the Co-ordinate Bench of this Court in the proceedings of WP(C)5581/2013, the fact of existence of the interim directions passed vide order dated 17.12.2012 in WP(C)6148/2012.

27. Poised thus, the Co-ordinate Bench of this Court vide Judgment and Order dated 13.03.2014, drew the following conclusions:-

“20. Coming to the facts of the present case, Court is of the view that

there is no reason or justification to deny appointment to the petitioners, who have been selected/recommended for appointment following a due selection process initiated by the authority. Selected candidates have a legitimate expectation that they would be appointed. Selection process is undertaken to select candidates for making appointment and not to keep the selected candidates in a state of uncertainty by denying them appointment.”

28. Accordingly, basing on the said conclusions, directions came to be issued towards appointment of the respondent nos. 3 & 4 in WP(C)1076/2015. Thereafter, the Director of Archives, Assam, on receiving approval from the Government, proceeded to issue Orders both dated 25.04.2014, appointing the respondent nos. 3 & 4 in WP(C)1076/2015 against the post of LDA/JAA, in terms of their selection for the same in pursuance to the advertisement dated 03.07.2012.

29. At this stage, it is to be noted that the Director of Archives, Assam had by way of instituting a review petition being Review Petition No. 47/2015 prayed for recall of the Judgment and Order dated 13.03.2014, passed by the Co-ordinate Bench in WP(C)/5581/2013. In the said review petition, it was brought on record that the instructions including the information with regard to the existence of an interim direction dated 17.12.2012, passed by this Court in WP(C)6148/2012 were issued to the learned Government Advocate appearing in the matter, however, it is seen that the said instruction were not placed before the Co-ordinate Bench of this Court while considering the issues arising in WP(C)/5581/2013. In the said review petition, it was also brought on record by the Director of Archives, Assam that in pursuance to a representation dated 18.02.2014, as preferred before him by the respondent no. 4 in WP(C)1076/2015, a communication dated 19.02.2014 was issued to the said respondent and therein, it was informed that because of the existence of the interim directions as

passed in the order dated 17.12.2012 in WP(C)6148/2012, the appointment order could not be issued to her in the matter. It is seen that said information although stated to have been issued on 13.02.2014 was not placed before the Co-ordinate Bench of this Court while hearing the WP(C)/5581/2013 on 13.03.2014.

30. The above being the position, the contention of the learned counsel for the petitioner that in view of the existence of the interim directions passed by this Court dated 17.12.2012 in WP(C)6148/2012, the respondent nos. 3 & 4 in WP(C)1076/2015 could not have been favoured with the orders of appointment on 25.04.2014, is required to be examined.

31. During the course of hearing of this matter and the issue with regard to the suppression by the parties in the proceedings of WP(C) No. 5581/2023 of the fact that there was an interim direction existing in the matter passed by this Court vide dated 17.12.2012 in WP(C)6148/2012, coming to the notice of this Court, this Court had required the respondent authorities to place instructions in the matter. Mr. P. Nayak, learned State Counsel on receiving instructions in the matter had submitted that the Directorate of Archives, Assam had duly submitted the instructions to the learned Government Advocate appearing in the matter, however, it was not possible to ascertain as to who had received the information on behalf of the learned Government Advocate appearing in the proceeding of WP(C)/5581/2013 on behalf of the said respondents.

32. Mr. Nayak, learned counsel has further by placing reliance on the affidavit in WP(C)1076/2015 on behalf of the Directorate of Archives, Assam submitted that the respondent no. 4 was, vide communication dated 19.02.2014 informed that on account of the interim directions passed by this Court vide order dated 17.12.2012, appointment order could not be issued to her. Mr. Nayak, learned counsel submits that inspite of the said position, the respondent no. 3 had not highlighted the said fact when the Co-ordinate Bench of this Court had taken up

WP(C)5581/2013 for disposal, which was on a date subsequent to the date of issuance of the said communication dated 19.02.2014.

33. However, the learned Senior counsel appearing for the respondent nos. 3 & 4 in WP(C)1076/2015 has categorically denied the said aspect of the matter and had contended that the said communication dated 19.02.2014 were never received by the said respondent no. 4 nor, she had preferred the representation dated 18.02.2014. Accordingly, it is not clear as to whether the respondent authorities had in fact issued the requisite instructions in the matter to the learned Government Advocate appearing on their behalf in WP(C)5581/2013 and further, the respondent nos. 3 & 4 in WP(C)1076/2015, cannot be said to have suppressed the fact of existence of an interim directions passed by this Court in the proceeding of WP(C)6148/2012, before the Co-ordinate Bench of this Court, while considering the issues arising in WP(C)5581/2013.

34. It is an admitted position of fact that there was in fact an interim direction holding the field, by which this Court had restrained the respondent authorities from effecting appointments in pursuance to the selection process permitted to be carried out in terms of the advertisement dated 03.07.2012. Although the said review petition was filed by the Director of Archives, Assam against the order dated 13.03.2014, passed by the Co-ordinate Bench of this Court in WP(C)5581/2013, the said review petition was closed vide order dated 11.05.2017 with a observation that it would be more appropriate to hear the pending writ petition challenging the appointment of the present respondent nos. 3 & 4 in WP(C)1076/2015.

35. In view of the said position, it is to be deemed that the directions passed by this Court vide the Judgment and Order dated 13.03.2014 had attained its finality and neither the writ petitioner herein nor the respondent authorities had assailed the same by filing appeals.

36. In the above view of the matter and the fact that there was no order restraining the continuance in service by the respondent nos. 3 & 4 in WP(C)1076/2015, it is stated in the bar that the said respondents had continued to discharge their duties without any break in pursuance to the orders of appointment issued in their favour both dated 25.04.2014. Although the facts as involved in the present proceedings does not present a pleasant picture, however, given the fact that it is not possible at this distant point of time to fix the responsibility on any person with regard to the default occasioning in not placing before the Co-ordinate of this Court, while considering the issues arising in WP(C)5581/2013 the fact about existence of interim directions passed by this Court vide the order dated 17.12.2012 in WP(C)6148/2012, more particularly, materials available not being sufficient to conclude that the respondent nos. 3 & 4 in WP(C)1076/2015 were guilty for such suppression, this court is of the considered view that an interference with their appointments would not be proper that too at this distant point of time.

37. At this stage, it is to be noted that the Director of Archives, Assam had issued a further advertisement on 13.12.2022 and 2(two) other vacant posts of JAA was put up for recruitment. The posts as advertised vide the advertisement dated 13.12.2022 were not reserved for any reserved community. The petitioner in the present proceeding had not denied knowledge of the advertisement dated 13.12.2012 but, she for reasons not disclosed had not applied against the said advertisement. The petitioner had a due opportunity to have her case considered on merits in pursuance to the advertisement dated 13.12.2012, however, she had not opted to apply in pursuance to the process of recruitment initiated vide the said advertisement dated 13.12.2012. Thereby, it is to be held that the petitioner herein was not serious for securing an employment. This Court would not proceed to comment any further in the matter on this issue.

38. In view of the above discussions and the conclusions reached by this Court, the respondent nos. 3 & 4 cannot be held to be responsible of having suppressed the interim directions passed by this Court vide order dated 17.12.2012, in WP(C)6148/2012 before the Co-ordinate Bench of this Court, which had considered the issues arising in WP(C)5581/2013, this Court is of the considered view that the appointments as effected in respect of the 3 & 4 in WP(C)1076/2015 would not mandate an interference at this distant point of time.

39. Further, the petitioner having not participated in any of the selection processes involved no right can be said to have accrued to the petitioner, herein, for issuance of a direction for consideration of her case for appointment against the post so put up for recruitment. Accordingly, it is to be held that the petitioner is not entitled to any direction requiring the respondent authorities to appoint her against any one of the post of LDA/JAA so put up for advertisement vide the advertisement dated 03.07.2012 and 13.12.2012.

40. In view of the above position, the writ petition is held to be devoid of any merit and accordingly, the same stands dismissed. However, there would be no order as to costs.

JUDGE

Comparing Assistant