

Phool Chand & Ors. : Applicants

Vs.

Union of India & Ors. : Respondents

Mr.D.F.Garg : Counsel for applicants

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Aim.)

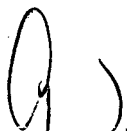
PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.).


Applicants Phool Chand, Dinesh Kumar, Poonam Chand, Parvesh Kumar, Prem Chand, Ghan Shyam, Guru Dayal, Ram Gopal, Dillip Kumar and Rajesh Kumar, in this application under Sec.19 of the Administrative Tribunals Act, 1985, have prayed for a direction to the respondents to interview them alongwith the persons whose names were sponsored by the Assistant Director, Social Welfare Department, Ajmer (Respondent No.3). They have also prayed for a direction restraining the respondents from appointing any person to the post of Mazdoor (Helper), Sweeper (Group-D post) on the basis of the interviews fixed for 23.3.1994.

2. We have heard the learned counsel for the applicants.

3. In short the applicants' case is that they belong to SC/ST community and for recruitment of SC/ST to Group-D posts of Mazdoor (Helper) Sweeper, etc., the respondents No.2 had asked the Social Welfare Department and the Employment Exchange, Ajmer, to send a list of SC/ST candidates for interview in connection with the recruitment to the above posts. Thereafter, the respondent No.3 sponsored the names of certain candidates including the names of the applicants. Thereafter on 25.11.1993 was fixed for interview at Jaipur by respondent No.2 and the applicants were also intimated accordingly. The applicants offered themselves for being interviewed on 25.11.93 in the office of the respondent No.2 but no interview was held on that day and they were informed that the interview has been postponed and a fresh date was to be intimated to them. The respondents No.2 then fixed 1.12.1993 as the date for interview and the applicants were again called to appear in

the interview alongwith others. The applicants were again informed that the interview has been postponed and another date would be intimated to them shortly. Now it is learnt by the applicants that 23.3.1994 has been fixed for interview by the respondent No.2 but the applicants have not been intimated about this date. The main argument of the learned counsel for the applicants is that non-calling of the candidates as per the list obtained from the respondent No.3 for the interview would amount to denial of their fundamental rights for being considered for employment guaranteed under Articles 14 and 16 of the Constitution. It is evident that from the averments of the applicants that now 23.3.1994 has been fixed for interviewing these candidates for the said posts whose names have been sponsored by the Employment Exchange. Such an action of the respondents is neither arbitrary nor unreasonable. The mere fact that the names of the applicants were sponsored by the Social Welfare Department does not confer upon the applicants any right for being interviewed for the posts of Mazdoor (Helper), Sweeper etc. The applicants have failed to make out a case and this application is therefore dismissed at the stage of admission.


(O.P. Sharma)
Member (A).


(Gopal Krishna)
Member (J).