

**Central Administrative Tribunal
Principal Bench**

OA No.4102/2016

New Delhi, this the 20th day of March, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Dr. Mini C Age 40, Group 'A'
Jeeja Sadanam, Pathirapally P.O.
Alappuzha, Kerala-688521.Applicant

(By Advocate:Shri Subhash Chandran)

Versus

1. Union of India through Secretary
Department of Ayush
Ministry of Health and Family Welfare
New Delhi.
2. Director General
Central Council for Research in Homeopathy
61-65, Institutional Area
Janakpuri, New Delhi-110058.Respondents

ORDER (ORAL)

Justice Permod Kohli, Chairman :-

The applicant applied for the post of Research Officer (Homeopathy) in response to advertisement No.02/2013. It is stated that no steps were taken thereafter to conduct the written test, skill test/interview for selection against the post of Research Officer (Homeopathy). The applicant thereafter became over age. The Respondent No.2 issued a fresh

advertisement No.07/2015 dated 15.05.2015 inviting fresh applications for the post of Research Officer on contract basis. It is stated that even regular posts were advertised vide advertisement No.17/2015 dated 04.07.2015. It is also alleged that recruitment process initiated vide advertisement No.02/2013 stands freezed. It is stated that the applicant waited for considerable time for completion of the process but nothing happened. The applicant thereafter made representations dated 23.03.2013, 19.06.2014, 22.06.2014 and 19.09.2014 but without any response. This application has accordingly been filed for direction to respondent No.2 to consider the representations of the petitioner in respect to recruitment process initiated vide advertisement No.02/2013 and also to grant relaxation of age.

2. The applicant earlier filed WP(C) No.2557/2016 before Hon'ble Delhi High Court. The said writ petition was, however, withdrawn with liberty to avail appropriate legal remedy. The petition was accordingly dismissed as withdrawn vide Judgment dated 07.04.2016. This application has been filed, thereafter, before this court on 12.09.2016. The applicant has also sought condonation of delay stating therein that the documents of the applicant were mixed up with some file in

the office of the counsel and thus there has been delay of 67 days.

3. This application is liable to be dismissed on account of following reasons:-

- (i) The advertisement was issued in 2013 and no selection was made against the post of Research Officer (Homeopathy).
- (ii) The applicant though applied but since no selection was made, he was not considered.
- (iii) He made representation somewhere in 2014 as mentioned above. Thereafter, approached High Court only in the year 2016.
- (iv) Even in Application for condonation of delay filed before this Tribunal, no reasons have been given as for the relief in respect to the original advertisement issued in 2013 is concerned.
- (v) The applicant has no grievance in respect to the subsequent advertisement no.07/2015 dated 15.05.2017 and 17/2015 dated 04.07.2015, as he was ineligible being overage when these advertisements were issued.

4. The OA is hopelessly time barred. Apart from that we have considered the merits of the controversy. The applicant applied for the post of Research Officer(Homeopathy) in

response to advertisement No.02/2013 but, according to the applicant, the selection was freezed and thereafter two advertisements were issued in 2015. Admittedly, the applicant was over age in the year 2015. It is settled law that no right is created for consideration merely by making an application for any post. The only right is right of consideration subject to eligibility, provided the process of selection takes place. In any case, no candidate was selected in response to advertisement No.02/2013. The applicant has no right whatsoever to claim consideration for appointment in respect to an advertisement which did not conclude. As far as the second and third advertisements are concerned, he never applied being over age.

5. Under the given circumstances, no relief can be granted to the applicant. This application is without any merit and is hereby dismissed.

(K.N. Shrivastava)
Member(A)

(Justice Permod Kohli)
Chairman

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