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Bijoy Kumar Singh and ors. Vs. Union of India (Uoi) and ors.

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Court : Supreme Court of India

Decided On : Sep-05-1990

Reported in : 1991Supp(1)SCC188

Judge : B.C. Ray and; K. Jagannatha Shetty Shetty, JJ.

Appeal No. : Civil Appeal No. 2761 of 1987

Appellant : Bijoy Kumar Singh and ors.

Respondent : Union of India (Uoi) and ors.

Advocate for Def. : Mr. V.C. Mahajan

Advocate for Pet/Ap. : Mr. N.B. Shetye

Disposition : Appeal Dismissed

Judgement :

B.C. Ray and; K. Jagannatha Shetty Shetty, JJ.

1. The only question that was agitated before this Court is that the appellants, pursuant to their applications for the posts advertised by the railways, were asked to sit in a written test. They sat in the written test along with other 14,000 candidates and passed in the said written test and 1130 successful candidates, including the appellants, were called for viva voce. Thereafter, a selection list was prepared by the railway authorities. In this selection list only the names of 790

candidates appeared. The names of the appellants did not appear in the selection list published by the railways. These appellants, however, questioned before this Court that since out of 790 candidates 300 and odd candidates were not employed as certain enquiries were pending against them, so the unfilled up vacancies be directed to be filled up by these appellants.

2. We do not find any merit in this contention. Firstly, these appellants were not included in the selection list published by the railways and as such there is no question for considering them in respect of unfilled vacancies, if there be any, and appointing them. It has, of course, been argued with great stress by Mr N.B. Shetye, learned counsel for the appellants, that these appellants duly passed the interview and as such their claim for consideration in respect of unfilled posts cannot be unnoticed and they should be considered. In our considered opinion their cases cannot be considered for the unfilled up vacancies, existing if any, as their names do not appear in the selection list. Secondly, it is stated by Mr V.C. Mahajan, learned counsel for the respondents - railways, that he has been instructed to state before this Court that all the 790 candidates in the selection list had been offered appointments against 790 vacancies.

3. In that view of the matter, we are unable to accept the contentions advanced on behalf of the appellants in this case. The civil appeal is, therefore, dismissed without any order as to costs.

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