

ITEM NO.37

COURT NO.10

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).16583/2011

(From the judgement and order dated 24/03/2011 in
of The HIGH COURT OF UTTARAKHAND AT NAINITAL)

WP No. 233/2005

MOHINI BANSAL

Petitioner(s)

VERSUS

UNIV.OF KUMAON & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 11/07/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Ms. Kusum Chaudhary, A.O.R.[Not present]

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Although the case was taken up twice, no one
has appeared on behalf of the petitioner.

The petitioner is aggrieved by the High
Court's implicit refusal to issue a mandamus to
respondent no.1 to appoint her on the post of Lecturer
in Music (Tabla).

In response to advertisement dated 10.11.2004
issued by respondent no.1, a number of candidates
including the petitioner and respondent no.4 submitted
their respective applications for recruitment as
Lecturer in Music (Tabla). After preliminary
screening, eight candidates were called for interview

2

vide letter dated 8.2.2005. Subsequently, respondent
no.4 was also called for interview.

The result of selection made by respondent
no.1 for different posts of Lecturers except the post
of Lecturer in Music (Tabla) was announced on
26.2.2005.

It, however, appears that after having
acquired knowledge about the selection of respondent
no.4 and her placement at number 1 in the waiting list,
the petitioner filed Writ Petition No.233 of 2005. She
also applied for interim relief. By an order dated
21.9.2005, the High Court stayed the appointment of
respondent no.4.

After four years, the Division Bench finally
disposed of the writ petition and quashed the selection
of respondent no.4 on the ground that he was not
eligible. However, the petitioner's prayer for issue
of a mandamus to appoint her against the vacant post
was not entertained and respondent no.1 was directed to
issue fresh advertisement.

In our view, the reason assigned by the High Court for not entertaining the petitioner's prayer for her appointment as Lecturer in Music (Tabla) does not suffer from any legal infirmity. The mere fact that the petitioner's name was included in the waiting list did not confer upon her indefeasible right to be appointed against the advertised post and that too after a gap of almost seven years.

With the above observation, the special leave petition is dismissed.

3

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master