



of the year 2012-2013. After undergoing the process of selection, petitioner was placed at serial no.3 in the waiting list. The respondents had called upon the candidates at serial nos. 1 and 2 of the waiting list for appointment, but they did not turn up and thereafter the respondents had not proceeded to call upon the petitioner to be considered for appointment in reference to advertisement dated 22<sup>nd</sup> April, 2013.

It has come on record that subsequent selections have been undertaken and appointments were made and this has been referred by the High Court in the operative part of the judgment, which is quoted hereinbelow:

“Thus, we would come to the following conclusion:  
The vacancy of the year 2012-13 with which we are concerned was not filled up. Even that vacancy is sought to be filled up in the Recruitment Year 2015, for which, the recruitment process was undertaken and the candidates have been selected. Though, the learned Counsel for the petitioner was faced with this aspect, he sought to attack the carrying forward of the vacancy and also contended that the vacancies, which existed prior to the amendment, should be filled up in terms of the pre-amended rules. We do not see why we should be persuaded in going into this aspect at the instance of the petitioner, when there is absolutely no challenge to this recruitment. Therefore, even proceeding in every aspect in favour of the petitioner and holding that the petitioner should have been given an offer of appointment, what we notice is that we cannot close our eyes to the subsequent developments, which have overtaken the petitioner, the essence of which is that there has been a subsequent recruitment; candidates have been selected and they are not before this Court.

There is no challenge to the subsequent recruitment and we would, therefore, be in reality asked to override all these things and give appointment to the petitioner. Assuming everything in favour of the petitioner, we would think that such a course may not be proper in exercise of judicial review of the order of the Tribunal, which itself was sitting in the judicial review."

After we have heard the learned Counsel for the parties, we find no reason to interfere in the judgment impugned dated 13<sup>th</sup> June, 2017 passed by the High Court in our jurisdiction under Article 136 of the Constitution.

The Special Leave Petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)  
COURT MASTER (SH)

(BEENA JOLLY)  
COURT MASTER (NSH)