

Coram: S.K.Keshote, J.
(22nd December 1995)

Order

None present for the petitioner. Shri S.V. Parmar
for the respondents.

2. Heard the Counsel for the respondents. I find no merits in this writ petition. The petitioner has prayed for issuance of a writ of mandamus to the respondents and to direct them to grant him time-scale of Rs.950-1500, the pay scale meant for Operator in the Water Works Department of the Nagar Palika with further prayers for giving arrears and other benefits.

3. The facts leading to this writ petition are briefly stated: The petitioner was appointed initially on 22.4.1986 as a Daily Wage Operator in the Water Works Department in Dabhoi Nagar Palika district Baroda. This petition was required to be filed because the petitioner's claim for his absorption in the regular services of the Nagar Palika is not being considered and that the Nagar Palika intends to bring the candidates of its own choice related and or connected with the senior officers of the Nagar Palika. The Nagar Palika invited applications by issuing an advertisement in the local newspaper dated 3.5.1991 for the post of Operator. In response to the said advertisement, the petitioner submitted his application. The petitioner very conveniently avoided to mention in his application that he had appeared before the Selection Committee but he was not selected for the post, meaning thereby he was not found meritorious for the post. When the petitioner was not selected for the post, he filed this writ petition and started to lodge his claim for appointment in the regular pay scale on the post. Merely because the petitioner was working on daily wages, he has not acquired any right to hold the post much less a right to be regularised in the post. However, the petitioner has a right to be considered for appointment to the post and that right has not been denied in the present case. The petitioner has been afforded full opportunity of competing for selection but it is a different matter that he could not stand to the merits and was not selected. When the petitioner was not selected, he has come out with the allegations of mala fides etc. But it is

difficult to believe those allegations when are vague and uncertain allegations. Precisely the petitioner failed to point out the mala fides of the Members of the Selection Committee. The petitioner has failed to point out any rule, regulation or circular which provides for regularisation of service of a daily wage employee. Leaving out all other things, this writ petition fails on the ground that the petitioner has concealed the fact that he has taken the chance for his selection before the Selection Committee but he was not selected.

4. In the result, this writ petition fails and the same is dismissed. Rule is discharged.

22nd December 1995

(S.K.Keshote, J.)