

HON'BLE MR JUSTICE AMITAVA ROY

Heard Mr. H Talukdar, learned counsel for the petitioners and Ms. HM Phukan, learned State counsel for the respondent No. 1. Also heard Ms. A Verma, learned Standing Counsel, Health & Family Welfare Department, Assam. (hereafter for short referred to as the 'Department').

For the order, which I propose to pass, I do not consider it necessary to issue formal notice to the respondent No. 4.

The pleaded case of the petitioners, is that they are aspirants for Grade - IV posts in the Department. They claim to be the successors in interest of persons, who had donated their land for setting up the Primary Health Centre. They have assailed the impugned advertisement published in the issue dated 08.07.2008 of the local daily, the Sentinel for filling up Grade - IV posts as enumerated therein on the ground that the aforementioned newspaper do not have any circulation at the places, where they reside. They seek judicial intervention of this Court, so as to facilitate their participation in such process, if necessary by inhibiting the same at this stage. They, however, have admitted that the selection process is in progress.

The learned counsel for the petitioner has reiterated the above.

The learned counsel for the respondents, in reply, has urged that as the process has since been completed as would appear from the impugned advertisement, no interference at this stage is warranted.

Upon hearing the learned counsel for the parties and on a consideration of the pleaded facts, I am inclined to sustain the plea raised on behalf of the respondents. Apart from the fact that donation of land as claimed by the petitioner, per se, in law, would not clothe them with any preferential right for appointment in public office, the advertisement reveals that petitioners of the Court cases and candidates of land donors to Health Department had been permitted to participate in the process. In terms thereof, the applications were to be submitted on and before 23.07.2008. More than two months have passed since then.

In the above view of the matter, this Court is not inclined to exercise its writ jurisdiction to entertain this petition. The petition lacks in merit and is accordingly, dismissed. No costs.