

Heard Mr. Rahman, learned counsel for the petitioner, Mr. D.K. Sarma, learned counsel for the Governing Body of the Rangia College (hereinafter for short referred to as the College), as well as the Principal, Incharge-cum-Secretary thereof and Ms. Gogoi Medhi, learned Standing Counsel Education Department, Govt. of Assam.

The petitioner is before this Court being aggrieved by the resolution dated 16.03.2009 of the Governing Body of the College abandoning the earlier exercise for appointment to the post of lecturer in Arabic in the institution and deciding to initiate a fresh process therefor. The earlier process was initiated by an advertisement dated 03.07.2007 inviting candidature from eligible candidates satisfying the conditions of eligibility mentioned therein for the post of lecturer in Arabic (Unreserved) alongwith one post each of lecturer of Assamese and Education in the College. The petitioner participated in the process and appeared in the interview held on 25.07.2007 and to his information topped the list of the recommended candidates for the post of lecturer in Arabic. His grievance is that though, the Governing Body of the College forwarded the proceedings of the selection vis- -vis the other two posts, it withheld its recommendations for the post of lecturer in Arabic. Being aggrieved, the petitioner approached this Court with WP(C) No.5516/2007 which was disposed of on 13.08.2008 requiring the authorities of the College to disclose the reason for their inaction. It was, thereafter that the impugned resolution was served on the petitioner.

This Court, while initially issuing notice of motion on 04.05.2009, by way of interim measure restrained the respondents from making any appointment to the post of lecturer in Arabic without the leave of this Court. The Governing Body of the College, thereafter approached with a miscellaneous application (registered as Misc. Case No.1447/2009) seeking alteration, modification and/or vacation of the interim restraint. By order dated 30.06.2009 in the said miscellaneous case, this Court permitted the College to make a fresh advertisement for the post and to complete the process of selection, but reined it from taking any final appointment without its leave. The Respondent Nos.3 and 4, Governing Body of the College and its Principal are now before this Court with Miscellaneous Case No.427/2010 praying for vacation of the interim interdiction, so as to enable them to fill up the said post on the completion of the fresh selection process initiated by the advertisement dated 15.10.2009. Admittedly, the petitioner has not participated in the fresh exercise.

Mr. Rahman has urged that as the petitioner had been recommended to be appointed to the post involved as the best candidate in the earlier process, the impugned resolution abandoning the same and discarding his candidature only on the ground that he is a Compartmental H.S.L.C. passed candidate, is per se illegal and arbitrary. Mr. Sarma has urged that as the petitioner in any case has no unassailable right to claim appointment to the post on the basis of his first selection, no interference with the impugned resolution is called for.

On a pointed query made by this Court, the learned counsel for the petitioner has failed to point out any provision of law conferring on him any unassailable right to claim appointment on the basis of his selection in the first process. It is no longer res integra, that a selected candidate per se does not have any absolute right to claim appointment on the basis thereof. The abandonment of selection process per se, therefore does not infringe any right of a selected candidate, though, degeneration of such an exercise to a farce in such an eventuality, has to be guarded against.

A bare reading of the impugned resolution indicates that one of the considerations for effacing the earlier selection process is delay of two years that had occurred due to an inquiry considered to be necessary to probe into the allegations of discrepancies and irregularities informing the said exercise. According to the Governing Body due to the time lag, the interest of the College was to be better served if a new process is initiated, as the same would then present the added prospect of more meritorious candidates vying for the post.

In view of the present state of law, qua the right of a selected candidate to claim appointment on the basis of his/her selection as alluded hereinabove and the considerations of the College to initiate a fresh process, this Court is of the opinion that the challenge laid lacks in merit. As the decision taken by the Governing Body of the College does not appear to be vitiated by any extraneous consideration or contravention of law, thus resulting in transgression of any vested legal or constitutional right of the petitioner, no interference is called for.

In the above view of the matter, this petition is dismissed.

The interim order stands vacated. No costs.