

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.3681 of 2000

ORDER:

The petitioners, three in number, seek a declaration that their non-selection on 22.10.1996, to the post of Announcer Grade-IV (Telugu) in Hyderabad, Kothagudem and Nizamabad, is null and void.

It is the petitioners' case that they were all working as casual announcers with All India Radio; an advertisement was issued by the respondents inviting applications for five posts of announcers out of which one was reserved for OBC and the remaining four were for the open category; a written test was held on 15.09.1996; thereafter a viva-voce test and an interview was held on 23.12.1996; and they participated in the viva-voce test and were selected for interview. The grievance of the petitioners is that, though the selection committee had finalized and had sent the selection list, the second respondent did not finalize the selections till date.

In the counter affidavit filed on behalf of the first respondent, it is stated that the process of recruitment to the post of regular announcers is by way of an open selection; selections were held in October, 1996; the recommendation of the selection committee was placed before the competent authority; before approval was accorded a raid was conducted by the Central Bureau of Investigation (CBI) on the allegations of malpractice adopted in the selection process; the CBI had seized all documents from the All India Radio; they found the selection to be vitiated by irregularities and recommended initiation of departmental enquiry; thereafter, a departmental enquiry was held; and the enquiry officer, in his report,

recommended that the recruitment process be quashed. The first respondent would state that the competent authority had quashed the selection process, and had directed that a re-examination be conducted. Respondents would contend that no right accrues in favour of the petitioners to seek any relief since they were not intimated about the finalization of the selections.

In **Union of India v. Majji Jangammayya**^[1], the Supreme Court held that no employee had the right to have a vacancy filled as soon as a vacancy arises, and the Government has the right to keep the vacancy unfilled as long as it chooses. In **National Institute of Mental Health and Neuro Sciences v. Dr.K.Kalyana Raman**^[2], the Supreme Court held that the function of a selection committee is neither judicial nor adjudicatory; it is purely administrative; in the absence of any legal requirement no reasons need be assigned for selection or non-selection of a candidate; and principles of natural justice are not applicable.

The petitioners' contention that they should have been informed of their non-selection does not, therefore, merit acceptance. The counter affidavit reveals that, in view of certain irregularities in the selection process, the competent authority had chosen not to finalise the selections, and had decided not to proceed further pursuant to the selections initiated earlier as the said selection process was vitiated on account of malpractice. It would not be in order for this Court to direct the respondents to finalise such selections. Viewed from any angle, the relief sought for in this Writ Petition cannot be granted.

The Writ Petition fails and is, accordingly, dismissed. However, in the circumstances, without costs.

RAMESH RANGANATHAN,J

Date:30-07-2010
usd

[\[1\]](#) AIR 1977 SC 757
[\[2\]](#) AIR 1992 SC 1806