

LOKESH KATARA AND ANR.

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v.

HON'BLE HIGH COURT OF GUJARAT

(Writ Petition (Civil) No. 758 of 2016)

DECEMBER 14, 2016

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[T. S. THAKUR, CJI, DR. D.Y. CHANDRACHUD
AND L. NAGESWARA RAO, JJ.]

Alternative remedy – Writ Petition u/Art. 32 – Writ petitioners working as Systems Officers and Systems Assistants, on contractual basis, challenged advertisement by respondent-High Court inviting applications for these posts – Also sought mandamus for incorporating a provision in the recruitment rules for absorption of petitioners and similarly placed persons – Held: Writ petition dismissed since the petitioners have a remedy available of moving the High Court on the judicial side u/Art. 226 – Constitution of India – Arts. 32 and 226.

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CIVIL ORIGINAL JURISDICTION: Writ Petition (Civil) No. 758 of 2016.

Under Article 32 of the Constitution of India.

S. Udaya Kumar Sagar, Ms. Bina Madhavan, Prateek Dhir and M/s Lawyer S. Knit & Co., Advocates, for the appearing parties.

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The following Order of the Court was delivered by

DR. D. Y. CHANDRACHUD, J. 1. These proceedings have been instituted under Article 32 of the Constitution by two petitioners who are stated to be working as Systems Officers and Systems Assistants since 2009 on a contractual basis. The petitioners state that Systems Officers and Systems Assistants were engaged in the High Court and the district courts in the State of Gujarat in consonance with the National Policy and Action Plan prepared by the E-Committee. In 2013, the Government of Gujarat sanctioned posts of Systems Officers and Systems Assistants in the regular cadre. An amendment was made to the recruitment rules in 2015 for filling up these posts by direct recruitment. The existing Systems Officers and Systems Assistants working in various district courts submitted a

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- A representation seeking their absorption. An online skill test was conducted. Another representation was submitted on 16 March 2016. However, the representation for absorption was rejected on 26 May 2016. On 9 September 2016 an advertisement was published by the Registrar (Recruitment and Finance) inviting applications for thirty posts of Systems Officers and thirty posts of Systems Assistants. The Writ Petition has been instituted seeking to challenge the advertisement issued by the High Court and for a mandamus for incorporating a provision in the recruitment rules for the absorption of the petitioners and similarly placed persons.
2. We are not inclined to entertain a Writ Petition under Article 32 of the Constitution. The petitioners have a remedy available of moving the High Court on the judicial side under Article 226 of the Constitution. In the circumstances, while leaving it open to the petitioners to institute appropriate proceedings as they may be advised, we decline to entertain this petition under Article 32 of the Constitution.
3. The Writ Petition is accordingly dismissed.

Divya Pandey

Writ Petition dismissed.