

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
SPECIAL CIVIL APPLICATION No. 1962 of 2011**

**CORAM: HON'BLE SMT. JUSTICE ABHILASHA KUMARI**

**Date of Judgment: 16/03/2011**

**MULABHAI HARCHANDJI PATEL - Petitioner(s)**

**Versus**

**STATE OF GUJARAT THROUGH SECRETARY & 1 - Respondent(s)**

**Case Referred:- Jayantilal Dwarkadas Patel Vs. State of Gujarat & Others (Supra)**

**ORAL JUDGMENT**

This petition under Article 226 of the Constitution of India has been filed with a prayer to issue a writ of Mandamus or an appropriate writ or direction, quashing and setting aside the impugned order dated 27.10.2010 issued by respondent GPSC, whereby the petitioner has been debarred from participating in the interview for the post of Deputy Director (Class-I), Tribal Development Department, Government of Gujarat, on the ground that he does not hold the requisite experience, as prescribed by the Rules. There is a further prayer to direct respondent GPSC to issue a call letter to the petitioner for participation in the interview for the said post.

As per the settled position of law, even a candidate whose name appears in the select list has no right to appointment. In the present case, the petitioner having been found to be ineligible due to lack of the requisite experience can claim no right to be called for the interview.

As a result of the aforesaid discussion, as no legal, fundamental or indefeasible right of the petitioner has been violated, and as the impugned decision of the GPSC in Debarring the petitioner from appearing in the interview suffers from no legal infirmity, the petition fails. It is, therefore, rejected.

Detail Judgement is also available on <http://www.gujarathighcourt.nic.in/>