

May 11, 1949.

DR. WILLIAM S. CARPENTER, *President,*  
*Department of Civil Service,*  
State House.

## FORMAL OPINION—1949. No. 45.

DEAR SIR:

I have your memorandum of the 2d inst., disclosing that in the City of Trenton a vacancy occurred in the position of Roentgenologist, and that a doctor who is a non-veteran is rendering the services required as such Roentgenologist without charge to the city.

Your letter also discloses that there are two veterans who have expressed interest in appointment to the vacant position.

The question is, must the position be filled.

I know of no authority under the Civil Service Law under which your Commission can compel a public officer to make an appointment to a position in the classified service.

I believe that you have determined that your Commission is without jurisdiction in the matter and with this conclusion I concur.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General,*

By: THEODORE BACKES,  
*Deputy Attorney General.*

TB:S

May 9, 1949.