

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**Civil Writ Petition No.14196 of 2015
Date of Decision:17.07.2015**

Daler Singh

....petitioner

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.Ramesh Chopra, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

A writ in the nature of mandamus is prayed for, so as to direct the respondents to consider and appoint the petitioner as Clerk, since 17 vacancies caused on account of the non-joining of the candidates in the select list remained, unfilled.

Pursuant to advertisement No.2 of 2013, the Subordinate Selection Board, Punjab, had advertised 1192 posts of Clerks, out of which 583 posts were meant for general category. Subsequently, the posts of clerks were increased from 583 to 806 in general category. Petitioner competed for selection in the general category and had scored 47.25 marks. The cut off marks for selection were 47.54. 806 candidates were declared successful by the Board against 806 vacancies of clerks in the general category.

Sh.Rattan Singh was the last candidate at Sr.No.806. Surprisingly,

post recruitment process, two more candidates namely Amit Joshi and Sukhdeep Singh were appointed, though, their names were never reflected in the select list of 806 candidates in the general category. 17 candidates never chose to join the department, despite selection, out of the list of 806 candidates, since they were already working in another department. As a result, the said posts are still lying vacant. Likewise, a few candidates who were declared successful and their names were reflected in the list of 806 candidates in the general category, actually belonged to reserved category and after declaration of results 4 such candidates opted to be appointed against the posts earmarked in the reserved category candidates. Consequently, even those 4 seats had fallen vacant. That being so, it is maintained that the claim of the petitioner for consideration for appointment has matured. Since as per the instructions of the Department, the Board is required to maintain waiting list for six months but no such list was prepared.

Prior to the institution of this petition, petitioner purports to have served upon the respondents a legal notice dated 22.06.2015 (Annexure P4) as regards his grievance but to no avail.

Learned counsel for the petitioner submits that, at this stage, let this petition be disposed of with a direction to the respondent No.3 to consider and decide the legal notice (Annexure P4) served by the petitioner, within a specified time.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of with a direction to respondent No.3, to consider and decide the claim of the petitioner

as set out in his legal notice dated 22.06.2015 (Annexure P4), strictly, in accordance with law, within a period of three months, from the receipt of the certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

17.07.2015

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(ARUN PALLI)
JUDGE