

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

CWP No.17428 of 2014

Date of decision:08.01.2015

Jitender Singh

... Petitioner

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Ms. Anita Balyan, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J.

The instant writ petition has been filed praying for the issuance of a writ of mandamus for directing the respondent-authorities to consider the claim of the petitioner for the post of Clerk in pursuance to a selection process that was initiated vide advertisement No.1/86 and 4/87.

The entire case set up on behalf of the petitioner was that in the selection process in which the petitioner had participated belonging to BC category, his merit position had been determined at Sr. No.2857 whereas the cut off merit of the last recommended candidate against the BC category was 3003. It has further been contended that in pursuance to the directions passed by this Court on 09.11.2012 in LPA No.1509 of 2010, the Haryana Staff Selection Commission had issued a public notice to ensure that no meritorious candidate is left out for appointment to the post of Clerk and inspite of his claim having been submitted in response to the public notice, appointment letter has not been issued.

Having heard counsel for the petitioner at length and having perused the pleadings on record, I am of the considered view that no

interference in the matter is called for.

Appended along with the instant petition is an order dated 19.03.2014 issued by the Chief Secretary to Govt. of Haryana in which a categorical stand had been taken to justify the action of the State Govt. in not recommending the name of the petitioner for the post in question. It has been stated that in compliance of the directions issued by this Court dated 09.11.2012 passed in LPA No.1509 of 2010, the Haryana Staff Selection Commission had issued a public notice dated 02.01.2013 calling upon the left out candidates who otherwise were within the zone of meritorious candidates to submit their claim along with full particulars. It has been stated that the claim/representation of the petitioner for the post of Clerk along with affidavit dated 19.03.2013 was received in the Commission's office only on 26.03.2013 i.e. after the date of recommendations already made i.e. 20.03.2013.

This writ petition had come up for preliminary hearing on 27.08.2014 and counsel had prayed for time to complete instructions as to whether the claim for appointment for the post of Clerk that had concededly been submitted on 19.03.2013 was within the stipulated time frame as per public notice dated 02.01.2013.

During the course of arguments today, counsel has produced a copy of the public notice dated 02.01.2013 issued by the Haryana Staff Selection Commission. Counsel concedes that such public notice was published on 05.01.2013 as also on 06.01.2013.

Copy of the public notice is taken on record as Mark 'A'.

Perusal thereof would clearly reveal that candidates had been called upon to put forth their claim indicating merit number as per select

list, roll number, category etc. within 15 days from the publication of the notice. The public notice further contained a categorical stipulation that no claim would be entertained after the stipulated period of 15 days and in case, a claim is not put forth, it would be presumed that the candidate concerned is not interested in seeking appointment for the post of Clerk against advertisement No.1/86 and 4/87.

Concededly, the public notice at Mark 'A' was duly published on 5th and 6th January, 2013. The stipulated time frame as per public notice expired on 21.01.2013. It is the case of the petitioner himself that he had submitted his claim/representation along with affidavit dated 19.03.2013. Such claim was clearly beyond the time frame stipulated in the public notice issued by the Haryana Staff Selection Commission.

In view of the reasons recorded above, no infirmity is found in the action of the respondent-authorities in not entertaining the claim of the petitioner for the post in question.

The writ petition is, accordingly, dismissed.

08.01.2015
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE