

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

CWP No. 18031 of 2015
Date of decision: 28.08.2015

Balwinder SinghPetitioner(s)

Versus

State of Punjab and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Madhav Pokhrel, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 06.08.2013 (Annexure P-9) whereby, the claim of the petitioner for appointment to the post of a Teaching Fellow has been declined by respondent no. 3.

The reasons which weighed with the said respondent was that only an offer of appointment was made on 15.06.2010 (Annexure P-4). The petitioner never completed the formalities and neither entered into any agreement and thus was not entitled to join. Next person was given appointment as per the merit and he has approached the department after an inordinate delay. It has also been noticed that a public notice has been issued on 29.07.2013 that the process of recruitment initiated in 2007 has been closed down and the counselling which was held for filling up the vacant post on 13.12.2011 and 20.12.2011 stands cancelled.

The present case is a classic case where a person choses to invoke the jurisdiction of this Court at his convenience. Admittedly, the

advertisement was issued on 05.09.2007 (Annexure P-1), almost eight years back. The petitioner being in the zone of consideration was asked to join on the consolidated salary of ₹4,550/- on a contract basis and he was to sign the agreement as per the conditions. It is not disputed that the petitioner chose not to do so which would be clear from his correspondence dated 02.02.2012 (Annexure P-6) wherein, it has been admitted that he was not in a position to complete the formalities. Some of the posts remained unfilled. On 30.11.2011, a public notice was issued (Annexure P-5) wherein, last chance was given for filling up the posts since the litigation had concluded. The counselling, in pursuance of the said public notice, took place on 13.12.2011 and 20.12.2011. The petitioner still chose not to participate in the said counselling but filed the representation on 02.12.2012 (Annexure P-6). Thereafter, notice dated 06.07.2012 (Annexure P-7) was filed and this Court was approached wherein, direction was issued to decide the claim. Resultantly, the impugned order has been passed.

The above sequence of events would go on to show as to how on his own account, the petitioner has delayed the proceedings and now he seeks this Court to exercise its extra ordinary jurisdiction and discretion for his appointment. Curtains always have to come down on the process of selection. As noticed, the advertisement was issued on 05.09.2007. The said process cannot be kept open for all times. Fresh candidates have to be given opportunities against the vacancies which are there.

A similar issue came up for consideration before the Division Bench of this Court in ***LPA No. 1781 of 2014, Loveleen Kaur vs. State of Punjab and others*** decided on 03.11.2014 pertaining to a similar situation.

It was held that the selection process cannot be kept pending till eternity so

as to confer a right on the applicants. The relevant observations read thus:-

“We find that the appellant cannot claim any direction for further counseling having failed to appear for the counseling on 7.7.2011. In response to a public notice, many candidates, including some of juniors to the appellant, have appeared for counseling. Once the appellant has failed to appear on a specific date, no grievance can be entertained so as to direct the respondent to hold another counseling. Learned Single Judge has rightly declined to interfere in the order passed by the respondents declining the representation of the petitioner.

Another argument raised by learned counsel for the appellant is that if in future it is decided to hold counseling again, the appellant should be called for counseling.

We do not find that any such direction can be given. The publication to conduct counseling was done through a public notice. The second counseling was conducted in the year 2011 i.e. more than 3 years earlier. The selection process once concluded, cannot be kept pending till eternity so as to confer right on the applicants for appointment. However, as and when any fresh advertisement seeking appointment is issued, it shall be open to the appellant to apply in accordance with law.

We do not find any merit in the appeal and the same is hereby dismissed.”

Keeping in view the said principle, this Court is of the opinion that there is no scope for interference in the order which is impugned. Even the present writ petition has now been filed after a period of 2 years from the date the impugned order was passed.

Accordingly, the present writ petition is dismissed.

28.08.2015
shivani

(G.S. SANDHAWALIA)
JUDGE