

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

**CWP-21906-2015**

**Date of decision: December 02, 2015**

**ADARSH KUMAR SINGLA**

**....Petitioner**

**VERSUS**

**STATE OF PUNJAB & ORS**

**....Respondents**

**CORAM: HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. R.K. Arora, Advocate  
for the petitioner.

Ms. Monica Chhibber Sharma, DAG, Punjab  
for respondent No.1-State.

Mr. Kawaljit Singh, Senior Advocate with  
Mr. Anil Sharma, Advocate  
for respondents No.2 and 3.

**LISA GILL, J.(ORAL)**

Prayer in this writ petition is for a direction to the respondents to appoint the petitioner to the post of Superintending Engineer on his selection pursuant to advertisement dated 17<sup>th</sup> April, 2015.

It is contended that the petitioner was duly selected by the Selection Committee and is reflected at Serial No.4 of the merit list (Annexure P-4). As there were three posts, the first three candidates were offered appointment to the post of Superintending Engineer on contract basis. However, one of them, Mr. M.L. Bansal, could not join as he was medically unfit. Respondents instead of offering appointment to the petitioner have re-advertised the post vide Annexure P-11 dated 4<sup>th</sup> August, 2015. Petitioner is entitled to be appointed on the said post having been selected. There is no reason whatsoever for having re-advertised the said post in such a situation.

Learned counsel for the petitioner relies on decisions dated 10<sup>th</sup> November, 2014 in *CWP-21090 of 2013*, 19<sup>th</sup> December, 2014 in *CWP-21366 of 2014* and 6<sup>th</sup> February, 2008 in *CWP-16786 of 2007* (Annexures P-8 to P-10, respectively).

Learned counsel for the respondents on the contrary, points out that Annexure P-4 merely reflects a tabulation of the gradation of four candidates who were called for interview in the present case. Seven persons had applied and four of them were called for interview. It is their gradation which is reflected in Annexure P-4. Petitioner scored six marks out of fifteen in the interview which otherwise is a low score. Respondents are well within their rights to re-advertise the said post to attract more talent for the same.

It is vehemently argued that petitioner has concealed material facts. Pursuant to advertisement dated 04.08.2015, Annexure P-11, petitioner applied on 24.08.2015 and filed this writ petition on 09.10.2015. He was found eligible and called for interview on 12.10.2015. Said interview has been postponed due to pendency of this writ petition. As many as eleven (11) candidates have applied for three posts advertised. It is thus prayed that this writ petition be dismissed.

Having heard learned counsel for the parties and going through the pleadings, it is apparent that no right whatsoever accrues to the petitioner to be appointed to the post of Superintending Engineer on account of Mr. M.L. Bansal not joining on the said post. It is a settled position that even selection by itself does not vest any candidate with a right to be appointed on a particular post (as reflected in decision dated 8<sup>th</sup> October, 2015 in *LPA No.1139 of 2015*, Annexure R-4).

In the instant case, admittedly seven candidates applied, four of them were called for interview being eligible and three of them were selected. Contention of learned counsel for the petitioner that Annexure P-9 reflects the selection list is belied by the facts. It is indeed a gradation of all the four candidates who appeared, out of whom three were selected. There is no illegality in the respondents trying to seek or attract more persons for the said post by re-advertising the same along with other posts. Petitioner has indeed not revealed that he applied again, pursuant to the subsequent advertisement, Annexure P-11, whereby three posts of Superintending Engineer have been advertised. Contention, that the same has no relevance to the present controversy, is not correct. Learned counsel for the petitioner is unable to point out any illegality or infirmity in denial of appointment to the petitioner in the present factual matrix.

Consequently, writ petition is dismissed.

**December 02, 2015**  
*m. sharma*

**(LISA GILL)**  
**JUDGE**