

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22232 of 2015

Date of Decision: 15.10.2015

Prapat Singh

... Petitioner

Versus

The State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Baltej Singh Sidhu, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

1. By way of this petition filed under Article 226 of the Constitution the petitioner stakes claim for appointment as Veterinary Officer and to this end prays for the issuance of a writ of mandamus directing the respondents to offer him appointment in the following facts and circumstances.

2. Mr. Sidhu appearing for the petitioner submits that a general category candidate though selected did not come forward to claim appointment at the time of scrutiny of documents and would be deemed to have declined the offer of appointment as Veterinary Officer. The recruitment process is for regular appointment in accordance with rules and has been conducted by the Punjab Public Service Commission, Patiala. The selection is over and the successful candidates have joined service.

Candidates at Sr. Nos.42, 44 & 45 have joined service. The petitioner is at Sr. No.46 of the merit list. He ranked 59th in the combined merit list amongst 115 posts of Veterinary Officers advertised for direct recruitment. Fifty one posts of Veterinary Officers were offered to the general category. With the exclusion of Sr. Nos.41 and 43, the candidate ranked at merit position 42 would require to be shifted up to occupy point 41 while Sr. Nos.44 and 45 would similarly need to be accommodated at Sr. Nos.42 & 43 thereby making way for the petitioner who is at Sr. No.46 and in the waiting list.

3. Mr. Sidhu refers to Annexure P-5 being a memo dated June 30, 2015 wherein it has been recorded by the Health Department that Government be requested to send two names from out of the waiting list of general category candidates from the merit lists prepared by the Punjab Public Service Commission, Patiala and forwarded to Punjab Government for appointment to service, for considering two candidates for appointment as Veterinary Officers in view of shortage of Veterinary Officers in the State.

4. Learned counsel relies on and cites the judgment of the Supreme Court in **State of Jammu & Kashmir vs. Sat Pal**, AIR 2013 SC 1258 as a binding authority on the operation of waiting list where the next above candidate did not accept the offer of appointment and dropped out of the race leaving unfilled vacancy which would go to the next in waiting qualified candidate.

5. Notice of motion.

6. On the asking of the Court, Mr. Inqulab Nagpal, learned AAG,

Punjab accepts notice on behalf of the respondents and waives service on them. Copy of the petition has been supplied to Mr. Nagpal in Court.

7. Since the case involves an arithmetical calculation of vacancies in the general category against the quota earmarked and the ground is covered by the decision of the Supreme Court (supra) then Mr. Sidhu submits that the far more equitable and prompt course to justice would be for this Court to dispose of the matter with a direction to the respondents to consider the case of the petitioner in the light of the judgment of the Supreme Court in *Sat Pal* and the letter Annexure P-5 (supra) which admits that two posts/vacancies are still available and there is need to fill them due to shortage of Veterinary Officers in Government.

8. This request is accepted as fair, just and reasonable and thereby, a direction is deemed fit and appropriate by this Court to issue to the respondents to consider the case of the petitioner for appointment as Veterinary Officer as per his rank and merit from the waiting list in the above revealed facts and circumstances and to take a decision within 30 days from the date of receipt of certified copy of this order as no elaborate exercise has to be undertaken in making a fair decision which actually would take no more than a few minutes of due application of mind to come to grips with the issue, excluding time spent in the necessary paperwork and the official procedure involved for which the larger frame of time is designed.

9. Needless to say, that in case the decision-maker requires any assistance from the petitioner to explain his case he would offer personal hearing to him in case of any doubts. However, in case, the decision-maker

comes to the view that the petitioner has a case for appointment on merits then he need not personally hear the petitioner or pass a speaking order unless some other view is possible and taken then reasons would follow disclosing the process of reasoning by dealing with the judicial precedents.

10. Once taken, the final order be communicated to the petitioner without delay and preferably within 3 days of the second event in preceding paragraph 9.

11. The petitioner would produce the copy of this petition before the competent authority with downloaded copy of the decision in *Sat Pal* case from the Supreme Court website or reported text, together with the text of judgment rendered by this Court in LPA No.403 of 2014 downloaded from the official High Court website, which has been made part of the writ paper book and promotes his contention to secure an appointment for his client. The petitioner would also submit a copy of the petition if it makes thing easier in understanding the case by the competent authority.

12. With these directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

15.10.2015

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