

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 24512 of 2015

Date of Decision: 26.11.2015

Mandeep Singh and Others

... Petitioner(s)

Versus

Punjab and Haryana High Court, Chandigarh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice G.S.Sandhawalia.

Present: Mr. Mohit Malik, Advocate
for the petitioner(s).

G.S.Sandhawalia, J.(Oral)

The petitioners seek a writ of mandamus for a direction that the clause that "preference should be given to those persons who have worked in the subordinate courts on *ad hoc*/contract basis" should be added for recruitment of Clerks in the subordinate Courts in the State of Punjab.

The petitioners were appointed initially on purely temporary basis in pursuance of an advertisement (Annexure P1) by the District & Sessions Judge, Gurdaspur. In the appointment letter, it is mentioned that the appointment was on purely temporary basis and also that the service rendered by the petitioners would not be counted for any service benefit as a Government employee under the relevant Service Rules. Now, a fresh advertisement has been issued whereby the

applications have been invited for the posts of Clerk. There is no legal vested right of the petitioners whereby they can claim that such a clause be inserted in the advertisement.

The counsel has placed reliance upon a judgment of this Court in ***Darshan Singh and Others v. Bhakra Beas Management Board and Others 2008(2) S.C.T. 815***. In the said judgment, the issue was pertaining to the Bhakra Beas Management Board Class-III and Class-IV Employees (Recruitment and Conditions of Service) Regulations, 1994 and the Apprentices Act, 1961. Keeping in view the provisions, the said observations were made since the Bhakra Beas Management Board had granted preference to the apprentices. The petitioners have not been able to point out any such Service Condition or Rule whereby such clause can be inserted for which a writ of mandamus can be issued.

In such circumstances, there is no merit in the present writ petition and the same is dismissed, in *limine*.

(G.S.Sandhawalia)
Judge

November 26, 2015

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