

**IN THE HIGHT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.26285 of 2015
Decided on: 17.12.2015**

Kamaljit Kaur and ors.

... Petitioners

vs.

State of Punjab and ors.

...Respondents

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

Present: Mr. G.S. Bal, Sr. Advocate with
Mr. A.D.S.Bal, Advocate
for the petitioners.

G.S.Sandhawal, J.(Oral)

The petitioners challenge the reply to their legal notice dated 26.10.2015 (Annexure P-8) whereby the demand for appointment as Teaching Fellows against reserved quota posts has been declined by respondent No.3 by holding out that the merit of the last selected candidate was 39.973 whereas the petitioners had merit of 39.88, 39.85 and 37.36.

Learned senior counsel for the petitioners has based his argument mainly on the ground that still posts are lying vacant and therefore, the order was not justified and the petitioners are entitled for consideration. Reliance has been placed upon the judgment of this Court in CWP No.19944 of 2013 titled as Yogita Versus State of Punjab and others, decided on 12.10.2015 (Annexure P-10) to submit that the petitioners are entitled for similar consideration.

It is a matter of fact that the petitioners had applied in pursuance of an advertisement dated 05.09.2007 to recruit 9998 Teaching Fellows in the Department of School Education. Out of 9998

posts advertised, 420 posts were allocated to District Muktsar out of which 42 posts were reserved. On account of litigation arising the selection process could not be completed expeditiously. Last counseling was held on 13.12.2011. There is nothing on record to show that thereafter the petitioners agitated for their grievance expeditiously regarding non-filling of the posts. It is only on 19.10.2015 after the decision of Yogita (supra) for the first time a writ petition bearing CWP No.22553 of 2015 was filed before this Court seeking the said relief, which was got dismissed as withdrawn with liberty to approach the respondents for necessary relief. Thereafter the legal notice dated 26.10.2015 (Annexure P-8) was served, which has now been rebutted by the impugned reply.

Much water has flown thereafter. The process of recruitment was also closed down by public notice dated 29.07.2013, which is also now sought to be challenged at this belated stage. The curtains on the process of selection and recruitment have to come down one day and cannot go for ever as held by the Division Bench in **LPA No.1781 of 2014 titled as Loveleen Kaur vs. The State of Punjab and others** decided on **03.11.2014**. The relevant observations reads as under:

"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.”

Accordingly, this Court is of the opinion that no such directions can be issued on account of the fact that posts are still vacant.

Reference to Yogita (supra) is of no help to the petitioners because in that case it was categorically noted the petitioner had been agitating for her legal right from 2012 onward and was a physically handicapped person, who had stood in the merit list at serial No.1. She had approached the Court firstly in the year 2013 whereby a direction had been issued to consider and decide her representation. The respondents rejected her case, which was subject matter of challenge and in that circumstances, in view of the litigation which had ensued in ***Abhishek Rishi Versus State of Punjab and another, 2013(3) SCT 1*** the necessary relief had been granted to her. Therefore, the petitioners cannot claim any parity with that petitioner. Therefore, at this belated stage, in view of the observations made by the Division Bench, no positive direction can be issued.

The writ petition stands dismissed in limine.

17.12.2015
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(G.S.SANDHAWALIA)
JUDGE