

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

**C.W.P. No.942 of 2012 (O&M)
Date of Decision : 23.03.2015**

Sheesh Ram

..... Petitioner

versus

Staff Selection Commission and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. J.P. Dhull, Advocate
for the petitioner.

Ms. J.K. Gurna, Advocate
for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

The claim in the present petition is for issuance of direction to the respondent No.1 to recommend the name of the petitioner to the respondents No.2 and 3 to appoint him on the post of Constable (G.D.). Admittedly the petitioner was selected as a Constable (General Duty) with the respondents. However, he was not allowed to join.

In reply the stand taken is that in the advertisement itself it was mentioned that if a candidate is an OBC candidate the certificate in support of that claim should have been obtained within three years before the closing date i.e. 04.03.2011 and therefore the appointment could not be

given to the petitioner.

Learned counsel for the petitioner has argued that after his case was rejected the petitioner had given a fresh OBC certificate and even as per the additional affidavit dated 18.11.2013 the said post is still lying vacant. Therefore the fact is that there is no doubt that the petitioner is an OBC candidate and had cleared the selection process and is entitled to be appointed.

In my opinion, the mere fact that the petitioner is an OBC candidate; he was selected and that the said post is still lying vacant would not give an indefeasible right of appointment to him. Once he did not fulfil the mandatory conditions imposed by the advertisement and no reason has been given why the petitioner submitted a certificate which was not permissible under the rules, he can not now claim a right to the said post by producing a fresh OBC certificate.

Petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 23, 2015

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**(AJAY TEWARI)
JUDGE**