

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

LPA No.1139 of 2015(O&M)

Date of decision:8.10.2015

Balwan Singh

....Appellant

VERSUS

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Puneet Jindal, Senior Advocate with
Ms. Sakshi, Advocate for the appellants.

HEMANT GUPTA, J.(Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 01.05.2015 whereby the writ petition filed by the appellant for directing the respondents to appoint him as Assistant remained unsuccessful.

The respondent-University started the process of selection of Assistants when an Advertisement No.E-2/2007 (Annexure P-1) was issued inviting application from the candidates belonging to the General Category; Scheduled Castes and the Backward Class -A. The appellant was one of the applicants for the posts meant for the General Category. The Selection Committee made recommendations pursuant to its meeting held on 12.08.2008 (Annexure R-2/2) wherein the name of the appellant appears at Serial No.1 of the waiting list.

The grievance of the appellant is that Sanjeev Kumar, a General Category candidate at serial No. 2 of the merit list has not joined, therefore, the resultant vacancy was required to be filled up by offering appointment to the appellant. The appellant was not offered appointment against one of the posts meant for General Category though the post was available.

In the written statement, it has been pointed out that the selection process became subject matter of challenge before this Court in CWP No.4337 of 2008 titled Satish Kumar v. Chaudhary Devi Lal University and others, CWP No.7993 of 2008 titled Ritika v. Chaudhary Devi Lal University and others and CWP No.16251 of 2008 titled Surender Kumar v. Chaudhary Devi Lal University and others and that the University thought it prudent not to go ahead with making any appointment till the finalization of the ongoing litigation. The waiting list remained inoperative for considerable period. Thereafter, after dismissing the writ petitions, it was decided not to make any appointments on the basis of the old selection list after its expiry. Thus no legal right accrues to the appellant for appointment to the post of Assistant.

The learned Single Judge has dismissed the writ petition holding that the University did not fill up the posts during the pendency of the earlier writ petitions mentioned above. By the time the writ petitions were dismissed, the waiting list had come to an end.

It is the consistent view of the Hon'ble Supreme Court starting from judgment reported as State of Haryana v. Subash Chander Marwaha and others, AIR 1973 SC 2216 and Shankarsan Dash v. Union of India, AIR 1991 SC 1612 that mere selection does not confer any right.

The State for good and bona fide reasons can always decide not to fill up a vacancy even if a candidate is in the select list. In the present case, not only the appellant was not in the select list but was in the waiting list and that the decision has been taken not to proceed with the appointment in view of the pending writ petitions. Such decision cannot be said to be lacking any bona fide. Good and sufficient reasons have been disclosed in not making the appointment in the written statement.

In view thereof, we do not find any error in the order passed by learned Single Bench of this Court which may warrant interference in the present appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

OCTOBER 8, 2015
'D. Gulati'

(RAJ RAHUL GARG)
JUDGE