

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

***R.A. No.509 of 2012 in
CWP No. 19950 of 2011 (O&M)***

Navpreet Singh Vs. State of Punjab & others

Present: Mr. B.R. Mahajan, Sr. Advocate with
Ms. Gaganpreet Kaur, Advocate for the
applicant-petitioner.

Mr. M.C. Berry, Addl. A.G., Punjab.

Ms. Rakhi Sharma, Advocate for respondent no.4.

Mr. S.C. Jindal, Advocate for respondent no.5.

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Prayer made in the instant review application filed under Order
47 Rule 1 C.P.C is for review and recall of order dated 19.10.2012, passed
by this Court in CWP No.19950 of 2011.

Learned counsel for the parties have been heard.

CWP No.19950 of 2011 filed by the applicant namely Navpreet
Singh was disposed of on 19.10.2012 in terms of judgement rendered by
this Court in CWP No.16672 of 2010 titled as Ashu Garg and another Vs.
State of Punjab and others.

It is not in dispute that the challenge in CWP No.19950 of 2011
preferred by the present applicant was to the selection and appointment of
private respondents to the posts of Drug Inspectors against the posts
reserved for S.C.-2 and handicapped categories respectively. An additional
ground of challenge that had been raised in the petition was with regard to
the selection and appointment to the posts in question having been made in
contravention of the terms of the recruitment notice dated 2.5.2010 as also
against the reservation policy formulated by the State Govt.

During the course of arguments, it stands conceded that in the judgement rendered by this Court dated 19.10.2012 in CWP No.16672 of 2010 (Ashu Garg and another Vs. State of Punjab and others) the question that was essentially considered and examined by the Court was with regard to the recruitment process/shortlisting of candidates for purposes of appointment to the post of Drug Inspectors under the Department of Health & Family Welfare, State of Punjab. Such process of recruitment was initiated in the light of advertisement dated 2.5.2010. Ultimately, the process of shortlisting was upheld by this Court and the writ petition was dismissed.

From the pleadings on record a fact that would clearly emerge is that the selection and appointment of the private respondents to the posts of Drug Inspectors was never gone into while dismissing CWP No.16672 of 2010 as also other connected petitions.

Even in the reply filed to the instant review application on behalf of the State, it stands admitted in para 9 that in so far as the selection and appointment of candidates is concerned, the same is pending adjudication before this Court in CWP No.13748 of 2011 titled as Sharanjit Kaur Vs. State of Punjab.

As such, this Court is of the considered view that CWP No.19950 of 2011 filed by the instant applicant namely Navpreet Singh was required to be segregated and decided on merits separately and could not have been disposed of in terms of judgement dated 19.10.2012 passed in CWP No.16672 of 2010.

Accordingly, the instant review application is allowed. The order dated 19.10.2012, passed by this Court in CWP No.19950 of 2011 is

recalled. The writ petition is directed to be listed for adjudication on merits as per roster.

It is, however, observed that in so far as the process of shortlisting of candidates for recruitment to the post of Drug Inspector in pursuance to the public notice dated 2.5.2010 is concerned, the petitioner would be bound by the observations and findings recorded by this Court in the judgement rendered in Ashu Garg's case (supra).

Review application is allowed in the aforesaid terms.

January 07, 2015
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(TEJINDER SINGH DHINDSA)
JUDGE