

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

CWP No. 7345 of 2000 (O&M)

Date of Decision: 17.10.2016

Rakesh Bal

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner

Ms.Shruti Jain Goyal, AAG, Haryana

RAJIV NARAIN RAINA, J. (Oral)

No one appears for the petitioner despite the case shown in the urgent list for disposal from old cases. Neither request is made for a pass over. I have proceeded to hear the law officer for Haryana for final disposal and have perused the record on file with her assistance.

The name of the petitioner was figured at No.1 on the waiting list in a selection process to fill up the posts of Lecturers in Commerce in School Cadre of Haryana Education Department. The recruiting agency was the Haryana Staff Selection Commission. This petition has been contested on the ground that the advertised posts were filled up to the brim i.e. 21 posts. The rule is against an appointment made in excess of advertised posts, in view of the law laid down in **Hoshiar Singh vs. State of Haryana and others, AIR 1993 SC 2606**. The fact that no vacancies remained to be filled, has not been

controverted by the petitioner by filing a replication. Legal position is clear enough and against the petitioner. The petitioner has no right to the posts on the date when the writ petition was brought nor does such a right subsist.

Consequently, this writ petition is dismissed with no order as to costs.

17.10.2016
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No