

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

Date of decision: 06.05.2016

CWP No.13481 of 2012

Akwinder Kaur

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Raj Kumar Arya, Advocate, for the petitioner.

Mr. Vaibhav Sharma, DAG, Punjab.

Mr. Harpreet Singh, Advocate, for respondents No.2 & 3.

Mr. Anil Rana, Advocate, for
Mr. Puneet Gupta, Advocate, for respondent No.4.

1. *To be referred to the Reporters or not?*
2. *Whether the judgment should be reported in the Digest?*

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner is wait-list candidate in a selection to fill vacancies of Junior Draftsman in the Punjab Mandi Board, Punjab. He claims appointment from the waiting-list. Admittedly, the vacancy claimed occurred because of resignation of a candidate who joined and thereafter left service. It is well settled that vacancy created by resignation in a direct recruitment process has to be thrown open to the next recruitment process because the vacancy stands consummated. A wait-list candidate has no legitimate claim to a vacancy arising on resignation as a matter of right and neither is there a corresponding duty or obligation on the employer to offer appointment. The

rule is well embedded in law. *See: Madan Lal & others Vs. State of J& K & others, (1995) 3 SCC 486 and the principle reiterated in Raj Rishi Mehra & others Vs. State of Punjab & another, (2013) 12 SCC 243 and many other judgments in between which need hardly any mention only to burden the order.*

Consequently, this petition is found totally devoid of merit and is accordingly dismissed.

06.05.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE