

CWP No.12926 of 2013

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

CWP No.12926 of 2013

Date of decision: 27.09.2016

Surinder Singh

...Petitioner

versus

State of Haryana & 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)

Notice of motion was issued in this case on 01.07.2013

by passing the following order:

“Notice of motion save and limited to the extent that Mr. Harish Rathee, Sr. D.A.G. Haryana would seek instructions from the Directorate of School Education whether the letter dated 26.4.2011 (P-7) was served on the petitioner who is mentioned at serial No.10 in the category of Scheduled Caste.

Let the original record be produced on the next date of hearing including dispatch register to know whether the contention of the petitioner is correct that he had no knowledge of this order till “three months back only through one of its friend”. Mr. Rathee would also seek instructions whether order offering appointment to ten candidates was against vacancies prior to 2006. Learned counsel for the petitioner undertakes to supply four sets of paper-book; one to Mr. Rathee and three to the

office of Advocate General Haryana during the course of the day.

List on 10.7.2013.”

The State has filed an affidavit dated 09.03.2016 explaining the position satisfactorily besides filing the written statement in para-wise form to contest the case. In the written statement and in the affidavit the impugned action has been justified for the reason that when the post was offered to the petitioner he did not come forward to accept the offer. He waived his right to appointment by surrender. However, long after the expiry of the period given in the letter of appointment to join service. The petitioner woke up rather late in the day changing his mind and accordingly made a representation claiming appointment to the post offered in the letter of appointment to the selected candidates as DPEs in the School Education Department, Haryana which granted 15 days time to all candidates to respond to the offers. I am told that the offer letters were uploaded on the website of the Department of School Education, Haryana as per the terms of the advertisement which clearly stipulated the period of 15 days as joining time as per the terms of appointment. Since the petitioner made no response to the offer of appointment his candidature was cancelled.

It is against this cancellation of candidature that the petitioner has brought this petition claiming directions to appoint him to the post. When recruitment procedure is based on information uploaded on the website then candidates are expected to strictly

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follow the procedure to meet the deadlines fixed beforehand. This is sufficient notice to all candidates concerned. If they do not respond by accepting offers it can safely be assumed that they have given up their rights.

On facts it may be mentioned that the petitioner was notified the offer of appointment vide order dated 26.04.2011 while he submitted his first time representation on 27.02.2013 staking his claim. The petitioner's hopes of getting appointment after a passage of about 2 years in a direct recruitment scenario have to be dashed since long delay and unexplained laches is fatal to transient rights dependent on acceptance of offer especially when competing interests have settled down in rights of third parties. The recruitment process has turned into a dead ball, virtually impossible to revive or to justify an appointment by a Court directive. Moreover, if any vacancy is left unfilled it has to go either to wait list method or the vacancy put in the pool of a future recruitment. The petitioner's name was not in wait list which makes matters worse for him. For these reasons, I find no life in this petition and order it to stand dismissed.

27.09.2016
yogesh/Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No