

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

**CWP No. 14503 of 2013
DECIDED ON : 04.10.2016**

Ramkesh

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present : Mr. D. R. Bansal, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

In view of the averments made in paragraph 2 of the preliminary submissions, the petitioner appears to have no case in the writ jurisdiction. The contents thereof are reproduced as under :-

“ That candidates including the petitioners applied for their post to the Chairman, Institute Management Committee, Rohtak Division. The petitioner also applied for the post of Instructor (Fitter). The applications received from the candidates were scrutinized by the committee and a short list amongst the candidates was prepared on the basis of merit. Accordingly merit list along with interview schedule was put on the website of Industrial Training Institute, Rohtak on 5.4.2013 and it was intimated that

interview for the post of Fitter will be held on 12.4.2013 but the name of the petitioner was not listed on 5.4.2013 because 5 applications including the petitioners were not included inadvertently in the short list. Matter was again examined by the committee and it was decided to include all the 5 applications which were not taken up in the short list on 5.4.2013. Accordingly, short list was again prepared and put on website on 6.4.2013 in which petitioner was listed at Sr.No.30 (Annexure R-1). Interview schedule remained unchanged i.e interview for the post of fitter was on 12.4.2013.”

Ms. Shruti Jain Goyal, learned AAG Haryana points out that in the advertisement calling applications for recruitment to the post of Instructor (Fitter) on contract basis, following schedule was prescribed :-

“ The process of recruitment is to be completed within one month. The schedule for recruitment to be adopted as under :-

1. Issuing of advertisement by 12.03.13
2. The last date of receipt of applications: 28th March 2013.
3. The last date for putting of merit list, interview program and selection criteria on the departmental website/notice board : 2.04.13
4. The last date for putting the selection list on the website : 08.04.13.”

The process from start to finish i.e from the advertisement to selection list was from 12.03.2013 to 08.04.2013. The petitioner's complaint is that he had no prior information about the date of interview and therefore, he could not appear in the interview.

This assertion has been refuted by the respondent-department in its reply and therefore, it becomes a seriously disputable question of fact which cannot be resolved in the writ jurisdiction. Whether the petitioner knew the date of interview or not, cannot be decided on the basis of affidavits, without there being evidence, an opportunity to examine and cross-examine the witnesses so that the civil Court can return proper findings thereon.

Accordingly, the instant writ petition is dismissed with liberty to the petitioner to approach the civil Court for decision on facts.

(RAJIV NARAIN RAINA)
JUDGE

OCTOBER 04, 2016
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| 1) Whether speaking/reasoned ? | YES/NO |
| 2) Whether reportable ? | YES/NO |