

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

Civil Writ Petition No.2143 of 2011

**Date of decision: 28.3.2016**

Kusum Lata

**...Petitioner**

**Versus**

State of Punjab and others

**...Respondents**

**CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA**

Present: Mr. Kapil Kakkar, Advocate for the petitioner.

Mr. Pankaj Mulwani, Deputy Advocate General, Punjab  
for the respondents.

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**G.S.SANDHAWALIA, J. (Oral)**

The petitioner seeks the relief of allotment of station to enable her to join as teaching fellow in pursuance of appointment order dated 9.7.2010 (Annexure P/8).

The prayer made is on the basis that she had completed all the formalities and submitted medical certificate and affidavit etc. but she was not being allowed to join as teaching fellow.

The defence taken by the State is that the letter dated 9.7.2010 was only an offer letter on the basis of same required formalities were to be undergone Then appointment letter was to be issued as per merit. It is averred that the merit of the last candidate in the counselling held on 3.5.2011 was 62.282 and initially the merit of the petitioner was fixed at 62.976. However, in view of Division Bench judgment in **Sudesh Rani Vs. State of Punjab and others 2010 (3) SCT 1**, candidates who had done their education from rural schools and did not belong to the Punjab were not held entitled for five marks.

Accordingly, the petitioner's merit slipped down to 57.976 which was lower than the last candidate selected in the general category,

therefore, she was not liable to be appointed.

The said averments have not been controverted in any manner by filing replication. The advertisement is dated 5.9.2007 (Annexure P/5) and the counselling was done in 2011. The curtains have to come down on the selection process and the same cannot be left open for times to come.

A similar issue came up for consideration before the Division Bench of this Court in the Division Bench of this Court in **LPA No. 1781 of 2014, Loveleen Kaur vs. State of Punjab and others** decided on 03.11.2014. It was held that the selection process cannot be kept pending till eternity so as to confer right on the applicants. The relevant observations read thus:-

“We find that the appellant cannot claim any direction for further counseling having failed to appear for the counseling on 7.7.2011. In response to a public notice, many candidates, including some of juniors to the appellant, have appeared for counseling. Once the appellant has failed to appear on a specific date, no grievance can be entertained so as to direct the respondent to hold another counseling. Learned Single Judge has rightly declined to interfere in the order passed by the respondents declining the representation of the petitioner.

Another argument raised by learned counsel for the appellant is that if in future it is decided to hold counseling again, the appellant should be called for counseling.

We do not find that any such direction can be given. The publication to conduct counseling was done through a public notice. The second counseling was conducted in the year 2011 i.e. more than 3 years earlier. The selection process once concluded, cannot be kept pending till eternity so as to confer right on the applicants for appointment. However, as and when any fresh advertisement seeking appointment is issued, it shall be open to the appellant to apply in accordance with law.

We do not find any merit in the appeal and the same is hereby dismissed.”

In view of the facts and circumstances noted above, this Court

is not inclined to issue any direction in exercise of jurisdiction under Article 226 of the Constitution of India, even if any vacant seat remained unfilled.

Accordingly, the present writ petition is dismissed.

**March 28, 2016**  
**Pka**

**(G.S.SANDHAWALIA)**  
**Judge**