

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

**CWP No.23094 of 2011
Decided on :15.01.2016**

Manju Bala

... Petitioner

Versus

State of Punjab and another

... Respondents

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

Present : Ms. Parveen Dahiya, Advocate for
Mr. SPS Tinna, Advocate
for the petitioner.

Mr. L.S. Virk, Addl. AG, Punjab.

G.S. Sandhawalia , J. (Oral)

The petitioner seeks the quashing of the order dated 12.09.2011 (Annexure P-9), whereby her claim for appointment as Teaching Fellow was rejected on account of the fact that she remained absent at the time of allotment of station for appointment, in pursuance of the letter which had been issued in her favour on 30.05.2008/29.09.2008.

The case of the petitioner is that she had applied for the post of Teaching Fellow, in pursuance of the advertisement dated 05.09.2007 (Annexure P-1) and as per the merit list she was called for counselling and her merit was 64.988 and the last candidate selected was 62.045 and, therefore, she being higher in merit had been wrongly left out. Reference is placed upon Annexure P-4 that there was an advertisement issued by the State

on 25.08.2010 that a chance was to be given to the candidate, who had absented himself from the date of counselling.

The State has clarified the said issue by taking the defence that the petitioner had attended the counselling on 20.03.2008 and, thereafter, had been issued the appointment letter (Annexure P-3), which was sent to her through Speed Post on the address. Documents had also been submitted by her. However, she had remained absent on three dates, which has been fixed for marking of the stations on 25.10.2008 to 27.10.2008, as per the public notice dated 24.10.2008 (Annexure R-1).

The petitioner had earlier approached this Court after a period of almost 3 years in **CWP No.13244 of 2011** by taking the same plea that she was higher in merit and accordingly direction was issued on 27.07.2011 (Annexure P-8) to consider her case as per the judgment passed in **CWP No.7759 of 2011** (Annexure P-6). It is, thus, apparent that the petitioner had not taken up the offer and not pursued her legal remedies for a period of almost 3 years. The case referred to above pertained to the policy where the meritorious candidates had not appeared and were given a chance in the second round of counselling.

In the present case, as per the terms of the appointment letter itself, the same was contractual in nature as per the terms of the advertisement and the job was not to get

pension and was for a period of 3½ years. The petitioner was to join at the allotted station within 30 days and the proposal given for appointment was to be cancelled, if the candidate did not join. The averments made by the State have not been denied in any manner that the said letter was not issued to her and that she was not aware of the public notice. The fact remains that she was to join within 3 days as given in the public notice dated 24.10.2008 (Annexure R-1). It is also a matter of common knowledge that the State Government had took a decision to regularize the said posts on 20.10.2010 w.e.f. 01.04.2011, which were earlier contractual in nature.

It is but obvious that in such circumstances, the petitioner realized the benefit of the appointment which had been offered and which she had chosen to forfeit and resultantly, approached this Court, at a subsequent point of time. It is settled principle that the process of selection is not to carry on forever. The above sequence of events would go on to show that the petitioner was well aware that she had missed the bus in the year 2008 and therefore, now, cannot contend that somebody lower in merit was appointed and she was entitled for selection.

Curtains have to come down on the selection process which cannot be kept on for eternity. The advertisement was dated 05.09.2007, the selection process was in the year 2008 and

appointment order was dated 29.09.2008, in the case of the petitioner. A period of more than 3 years had expired, though, it is not disputed that the petitioner had approached this Court firstly in the year 2011 but in view of the above discussion, the petitioner is not entitled for the said benefit.

It is, thus, apparent that the litigation was only initiated at that point of time on account of the fact that the posts were going to be regularized and the petitioner was not interested in joining at the initial stage, since it was a contractual appointment. In such circumstances, the petitioner cannot be given the benefit of appointment and no direction can be issued as claimed.

With the above observations, the present writ petition is dismissed.

JANUARY 15, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE