

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

Date of decision: 24.05.2016

CWP No.15376 of 2014

Kuldeep Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Parminder Singh-I, Advocate, for the petitioner.

Mr. Nikhil K. Chopra, Addl. AG, Punjab.

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 claims appointment as a Constable in the recruitment process initiated in the year 2011. The petitioner is a member of the Scheduled Castes. He is also an ex-serviceman. He applied in the category of Ex-servicemen-SC-Other Category. He was selected and his name was placed in the waiting-list at Sr.No.1 in the reserved category. A candidate namely, Balwinder Singh son of Gurbax Singh, was selected at merit position No.4 in Ex-servicemen-General-Category and joined the service only to later resign from the post. The petitioner claims appointment against the vacancy created by the departure of Balwinder Singh. Can he claim such a right from the wait list?

A similar plea was considered by the Supreme Court in 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 that have followed. The Supreme Court held that a waiting-list cannot be operated against a vacancy created by a person joining service and then leaving it thereafter. The vacancy stands consummated and has to be carry-forward to the next recruitment process. 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 - State to offer public appointment to fill the post vacated.

Consequently, the present writ petition has no merit and is dismissed.

24.05.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE