

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19749 of 2013
Decided on : 11.05.2016

Amanpreet Kaur

... Petitioner

Versus

State of Punjab & another

... Respondents

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

Present : Mr.Malkeet Singh, Advocate,
and Ms.Deepa Jain, Advocate, for the petitioner.

Mr.Avinit Avasthi, AAG, Punjab.

G.S. Sandhawalia , J. (Oral)

Petitioner seeks quashing of the order dated 18.03.2013 (Annexure P3) whereby her request for appointment to the post of Punjabi Mistress, in pursuance of the advertisement dated 23.09.2009, has been rejected, on the ground that the merit of the petitioner was 61.9273 whereas the last candidate selected in the General Category was having 61.9667. Therefore, the petitioner could not make place in the zone of selection, being lower in merit.

In the written statement filed, same stand has been taken as in the impugned order.

While issuing notice of motion, the contention raised was that there were 600 posts in General Category and only 375 candidates had joined and there were more than 200 vacancies available. State has clarified, in the written statement, that a new advertisement had been issued on 09.05.2011, as per the requirement of the Department, which also included the backlog vacancies (Annexure P4). It has further been averred that the new advertisement was for 3442 posts.

Resultantly, this Court is of the opinion that the selection process against which the petitioner, now, claim consideration, has already closed down as the vacancies were again advertised. The

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Division Bench in LPA-1781-2014 titled *Loveleen Kaur Vs. The State of Punjab & others*, decided on 03.11.2014 (Annexure R2), has specifically held that the selection process has to come to an end and it cannot carry on forever to confer right upon the applicant for a right of appointment. Relevant portion reads as under:

“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.”

Resultantly, keeping in view the above facts and since fresh advertisements have been issued and the petitioner was never within the zone of consideration, initially she can have no such grievance against her non-selection. She had only a right of consideration, which has been duly done.

Accordingly, the present writ petition stands dismissed.

MAY 11, 2016
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(G.S. SANDHAWALIA)
JUDGE