

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.17023 of 2016(O&M)

Date of Decision:-15.09.2016

Pritpal Singh & Anr.

.....Petitioners.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Mohit Jaggi, Advocate for Petitioners.

Mz. Sudeepti Sharma, Deputy Advocate General, Punjab.

JASWANT SINGH, J (ORAL)

CM No.11460 of 2016

Instant CM has been filed seeking permission to place on record the affidavit dated 9.2.2016 filed by Secretary, SSS Board, Punjab as Annexure P-9 with a further prayer seeking exemption from filing certified copy of Annexure P-9.

For the reasons stated in the application the same is allowed and affidavit dated 9.2.2016 is taken on record as Annexure P-9.

CWP No.17023 of 2016

Two petitioners Pritpal Singh and Amanpreet Kaur belongs to general category. They being eligible applied for appointment as Clerks against 583 posts of their category out of the total 1192 advertised vide advertisement no.2/2013. The candidates were required to submit their

online applications during the period 11.06.2013 to 1.07.2013. The selection process provided that the candidates were to pass the qualifying typing test in Punjabi and thereafter their merit was to be computed on the basis of percentage of marks secured by them in their graduation degrees. The result of the selections was declared on 26.06.2014. Both the petitioners did not come within the zone of appointment. The petitioner no.2-Amanpreet Kaur secured 46.91 marks and Pritpal Singh secured 46.04 marks and were placed at number 12 and 45 of the waiting list.

Prayer in the present petition is for a Mandamus directing the respondents to appoint the petitioners against the 87 vacant vacancies of Clerks in the general category.

Learned Counsel for the petitioners submit that as per the affidavit filed by the Secretary, SSS Board placed at Annexure P-9, it is apparent that there are 181 posts of Clerks out of which 87 are of the general category available for appointment in various departments due to non joining of the recommended candidates. It is thus claimed that both the petitioners who are in the waiting list have a right to be appointed against the available vacancies in their category.

After hearing learned Counsel for the petitioners, no case for interference is made out for the reasons (i) that the waiting list as per the instructions issued by the Punjab Government cannot be considered to be alive and available for appointment beyond the expiry of six months, at the most one year from the date of declaration of the result; (ii) that it is matter of record that a writ petition already stands filed by the candidates belonging to the backward class and placed in the waiting list seeking adjustment of the candidates in their category with higher merit than some

of the general category candidates to be shifted in the general category resulting into displacement of candidates with lower merit and yet appointed in the general category, such candidates to be displaced in the light of their period of appointment and no fault of theirs would consume up vacant vacancies in the general category; and (iii) that it is settled principle of law that in case of selection and appointments the petitioners should approach the Court within six months or at the most one month of the declaration of result. With the facts taken cumulatively, present petition is liable to be dismissed.

In view of the aforesaid discussion, present petition is hereby dismissed.

(JASWANT SINGH)
JUDGE

September 15, 2016
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable</i>	<i>Yes / No</i>