

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

109

CWP-19898 of 2016

DATE OF DECISION: 23.09.2016.

Yagyadeep

...Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. D.S. Patwalia, Senior Advocate with
Mr. Sahajbir Singh, Advocate for the petitioner.

S.S. SARON, J.(Oral)

The present petition has been filed for issuance of an appropriate writ, order or direction, including a writ in the nature of *Quo Warranto/ Certiorari* challenging the selection of the private respondents No.3 to 9 as Commissioners of the Punjab Right to Service Commission.

As already noticed, the petition assails the selection of the private respondents No.3 to 9 as Commissioners of the Punjab Right to Service Commission. This would evidently be that the said respondents No.3 to 9 have not been appointed and are said to have been selected only.

It is *Inter alia* submitted by the learned Senior counsel for the petitioner that he has only from newspaper reports and other sources learnt that respondents No.3 to 9 have been selected as Commissioners of the Punjab Right to Service Commission. The said selection, it is submitted, is in complete disregard to the provisions of the Punjab Right to Service Act, 2011 ('the Act'-for short).

The admitted position, therefore, is that except for the newspaper reports of the likely appointments of the private respondents No.3 to 9 as Service Commissioners under the Act, the petitioner has no other formal orders of their selection. The question in any case that would arise is whether a writ of *quo warranto* would be maintainable against selection only without the incumbents holding a public post/office.

The learned Senior counsel for the petitioner keeping in view the aforesaid position submits that he may be for the present allowed to withdraw the petition at this stage without prejudice to his right to assail the appointments, if any, as and when made at a subsequent stage and for the said purpose, he may be given liberty to file a fresh petition.

Dismissed as withdrawn with aforesaid liberty, as prayed for.

(S.S. SARON)
JUDGE

(LISA GILL)
JUDGE

23.09.2016.

komal

Whether Speaking/Reasoned	:	Yes
Whether Reportable	:	No