

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

CWP-20181-2016

Date of decision : 27.09.2016

Sunil Mirg

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Surinder Gaur, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner has filed the instant petition being aggrieved of the action of the respondent-authorities in having denied him appointment to the post of Rashtriya Bal Swasthaya Karyakram Coordinator ('RSBK Coordinator' for short).

Counsel would submit that the Government of India had launched an initiative towards improving the survival, growth and development of children across the country and have formulated a national health mission in this regard. Towards implementation of such programme and mission, an advertisement was issued in the year 2014 by the Civil Surgeon, Kaithal-respondent No.3 inviting applications from eligible candidates for appointment to various posts including that of RBSK Coordinator. It is submitted that there was only one such post advertised.

The petitioner had applied for the post and had subjected himself to a

process of selection which included a written test as also interview which, as per counsel, was conducted on 22.07.2014.

The precise argument raised is that there were four applications to the post of RBSK Coordinator and out of which only the petitioner was eligible and inspite of having fared well in the written test as also the interview, the final result has not been declared and thereby the petitioner has been denied his vested right for appointment to the post in question. It is argued that action of the respondent-authorities is completely violative of Articles 14 and 16 of the Constitution of India.

Having heard counsel for the petitioner at length and having perused the pleadings on record, I am of the considered view that no case for interference is made out.

Placed on record and appended as Annexure P-5 is the document dated 24.08.2016 which is in the nature of information having been supplied under the provisions of the Right to Information Act. As per such information, the interview as also result of the post in question has been cancelled on the verbal orders from the then S.D.O.(Civil) and Civil Surgeon, Kaithal.

It is by now well settled that selection does not vest an indefeasible right of appointment in favour of a candidate. In the facts of the present case the petitioner cannot even be termed as a successful and selected candidate. The respondent-authorities have chosen not to even declare the result. It is not the case made out on behalf of the petitioner that such action has been taken on account of any mala fide intent and the post in question has been kept vacant deliberately and only with a design to deny appointment to the petitioner. Under such circumstance and in the

absence of plea of mala fides it would be construed that the decision of the respondent-authorities in having cancelled the interview and having taken a decision not to fill up the post was on account of some valid ground.

In view of the above, the prayer of the petitioner seeking directions to the respondent-authorities to declare the result as also to issue appointment letter to the petitioner for the post in question cannot be accepted. Consequently the petition is dismissed.

The present order was dictated in open Court. Counsel at this stage makes a prayer that a representation has been preferred and the respondent-authorities be directed to consider the same. This Court will only observe such prayer to be unfair and unwarranted. Counsel has taken his chance to argue the matter and upon being confronted with an order of dismissal of the petition has raised such a request. Same is declined.

(TEJINDER SINGH DHINDSA)
JUDGE

September 27, 2016
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No