

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

**CWP No.22502 of 2014
Reserved on: 09.05.2016
Decided on :02.06.2016**

Anurag Gupta and others

... Petitioners

Versus

State of Punjab and others

... Respondents

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

Present: Mr.Gurminder Singh, Sr.Advocate
with Mr.R.P.S.Bara, Advocate, for the petitioner
(in CWP-22502-2014).

Mr.Girish Agnihotri, Sr.Advocate
with Mr.Kshitij Sharma, Advocate, for the petitioner
(in CWP-22675-2014).

Mr.Saurabh Goel, Advocate, for the petitioner
(in CWP-22211-2014).

Mr.Amit Arora, Advocate, for the petitioner
(in CWP-23071-2014).

Mr.Vivek Sharma, Advocate, for the petitioner
(in CWP-21406-2014).

Mr.Puneet Gupta, Advocate, for the petitioner
(in CWP-2324-2015).

Mr.A.P.S.Sandhu, Advocate, for the petitioners
(in CWP-25636-2015)

Mr.Kamal Sehgal, Addl.A.G., Punjab.
Mr.Harsimran Singh Sethi, Addl.A.G., Punjab.

Mr.R.K.Malik, Sr.Advocate with
Mr.Vijay Dahiya, Advocate, for respondents No.4 & 5
(in CWP-2324-2015).

Mr.A.S.Cheema, Advocate, for respondent No.4
(in CWP-22502-2014).

Mr.D.P.S.Mann, Advocate, for
Mr.Hitesh Kaplish, Advocate, for respondent No.8
(in CWP-25636-2015).

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G.S. Sandhawalia, J.

The present order shall dispose of CWP-22502, 22211, 21406, 22675 & 23071-2014, 2324-2015 & 25636-2015. The facts are being taken from CWP No.22502 of 2014 titled as '*Anurag Gupta and others Vs. State of Punjab and others*', which pertains to Register C. Similarly, CWP-22211-2014 titled *Kanwal Rampal Vs. State of Punjab & others*, pertains to Register A-II, for which also, the question of law would be similar.

The petitioners seek the quashing of the merit list dated 25.09.2014 (Annexure P3) prepared by respondent No.3-Punjab Public Service Commission (for short 'the Commission'), whereby 31 candidates have been declared eligible for interview. The same is on the strength of a screening test held on 06.07.2014, for being brought on Register C, as per Rule 15 (2) of the Punjab Civil Service (Executive Branch) Rules, 1976 (for short '1976 Rules') as duly amended in the year 2011. Similarly, in CWP-22111-2014, the petitioner seeks quashing of the result dated 25.09.2014 (Annexure P8) whereby the Commission has shortlisted 77 candidates and declared them eligible for interview, on the basis of the common screening test dated 06.07.2014, for being brought on Register A-II, as per 1976 Rules.

The challenge is on the ground that it includes the candidates lower in merit than the cut-off of three times the vacancies for the process year and reflects candidates in the zone

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of consideration far in excess of the ones as required under the rules. Resultantly, prayer is made for declaring the result of the screening test by taking three times the number of posts for each process year as per rules and instructions and short-listing 15 candidates (9+3+3) for 2008, 2009 and 2012, for interview, for Register-C.

The pleaded case of the petitioners is that an advertisement dated 21.04.2014 (Annexure P-2) was issued by respondent-commission. Accordingly, online application forms for selection of 3 posts each for Punjab Civil Service (Executive Branch) of Register-C for recruitment process year 2008, 2012 and 2013 were invited from the members of Group-A and Group-B services, who are not covered under any of the categories of officers or officials of Register A-I to Register A-III. The cut-off date was fixed as 01.11.2013. Similarly, circular for Register-C dated 21.04.2014 was also circulated. The last date for filling up the applications was 12.05.2014 on the online application form. The duly filled application form through proper channel alongwith certificates/documents had to be submitted by 30.05.2014. Resultantly, in pursuance of the applications received the screening test was held on 06.07.2014. The result was declared on 25.09.2014, whereby 31 candidates were declared eligible for interview. The same was alleged to be in contravention to the 1976 Rules. It is pleaded that there were 3 posts for each process

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year 2008, 2012 and 2013 separately and as per the advertisement a common entrance test was to be held. The merit list has been prepared for each process year by clubbing the 9 posts. The respondents were acting in an arbitrary and illegal manner. The 3 posts for the process year 2008 had to be filled by the first nine candidates in the merit and after selecting the 3 candidates, the remaining six candidates plus the next three candidates in the merit had to be considered for the process year 2012. Similarly, for the process year 2013 remaining six candidates plus the next three candidates in the merit list had to be considered. The chart prepared as per the roll over procedure suggested regarding the candidates who were to be called for interview reads as under:-

Sr. No.	Process Year	No.of posts	No.of candidates required to be called for interview i.e. Three times the posts	No.of candidates to be selected	No.of rolled over/eligible candidates for consideration in the next process year	Total No.of candidates to be taken from the Screening List	Remarks
1.	2008	3	9	3	9-3=6	9	9 Candidates to be taken from Merit List/Result of Screening Test
2.	2012	3	9 (6+3)*	3	9-3=6	3	3 next Candidates in merit list of screening test
3	2013	3	9 (6+3)*	3	Not required	3	3 next Candidates in merit list of screening test
			27*			15**	

* Number of candidates to be called for interview including rolled over candidates.

** Total number of candidates to be called for interview from the Merit List/Result of the screening test for 3 separate Process Years i.e. 2008, 2012 and 2013.”

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Resultantly, a detailed representation was sent on 13.10.2014 (Annexure P-4) to the respondent-commission.

Respondents No.1 and 2 in the short reply referred to Rule 15 and it was averred that it was the jurisdiction of the respondent No.3-Commission regarding the issue in question.

The respondent No.3-Commission took the plea that requisition for the 3 posts for the each process year 2008 and 2012 was received on 03.01.2013 (Annexure R-1) from the Department of Personnel and on 04.09.2013 for the process year 2013. It was, accordingly, pleaded that the requisitioning was done in the year 2013 after the amendment of the rules on 28.07.2011. It is pleaded that there was no provision in the rules for short-listing the candidates according to process year. The advertisement clearly mentioned that the Commission shall conduct a common screening test for all the process years to short-list the candidates. The merit of the candidates was to be prepared for each process year. The petitioners had appeared for the examination and being well aware of the terms of the advertisement, were estopped from challenging the same. The common screening test had been conducted for all the process years. After the screening test, the candidates were short-list for the purpose of interview, but no merit list had been prepared. The same was to be done after including the marks of experience, service record and interview as per the rules. The short-listing of 31 candidates was accordingly justified,

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who were to be called for interview. The vacancies though related to different process years i.e. 2008, 2012 and 2013 but a conscious decision was taken to conduct a common screening test for all eligible candidates. There was no provision for preparing the select list for specific vacancy years as per the 1976 Rules, duly amended. The year of vacancy was to be considered at the time of preparing the merit list and the Government of Punjab would consider the same year for placement of candidate year-wise according to their merit. Reliance upon Indian Administrative Service (Appointment by Promotion) Regulations, 1955 was held not applicable for the purpose of preparation of select list for each year, in the absence of any specific provision. A sub-committee of the Commission had been formed as per rules and given its recommendation to the Commission which had been accepted and approved by the Commission.

Similarly, respondent No.4 in his reply, also took the plea that a procedure prescribed under Rule 15 would be applicable and the eligibility of the candidates has to be seen in that particular year in which advertisement to fill-up the vacancies were to be made. The year of occurrence of vacancies was irrelevant and all the candidates who are eligible at the time of submission of names for filling up the vacancies were entitled to be considered for selection. The cut-off-date was fixed as 01.11.2013, otherwise it would have been 01.11.2007, 01.11.2011

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and 01.11.2012 for the recruitment process of the years 2008, 2012 and 2013 respectively. In the absence of the mandatory provisions in the service rules, all the vacancies have been clubbed amongst the candidates who were eligible at the time of filling-up the same. The list of 31 candidates was, thus, valid and in conformity with Rule 15 of the 1976 Rules. The year of occurrence of vacancies was irrelevant and the eligibility had to be seen at the time of inviting the application.

The arguments of Mr. Gurminder Singh, Learned Senior Counsel, stems from the advertisement in question and he has, accordingly, placed reliance upon the same. Reference of the process years 2008, 2013 and 2013 and to Clause 1.2, Clause 2, Clause 3.1, was made to submit that there were 3 posts for each year of 2008, 2012 and 2013, against which, applications were invited. Clause 8 referred to Rule 15.2 and the list of eligible persons was to be prepared which was to be three times the number of vacancies. The advertisement itself provided a common screening test, as per Clause 9(e), for all the process years, however, the merit was to be prepared for each process years, separately. Accordingly, as per Learned Senior Counsel, the merit of the first 9 candidates had to be prepared for the 3 vacancies, for the year 2008, as per Clause 10, which provided that the suitability, on the basis of the Annual Confidential Reports whereby experience and performance had to be taken into account.

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Accordingly, reliance was placed upon Clause 11.2 to submit the eligible shortlisted candidates would submit their service record for the purpose of interview.

To further buttress the argument, reliance was placed upon the communication dated 24.06.2013 (Annexure P7) to submit that for Register A-III for the year 2008 and 2012, pertaining to the Excise & Taxation Officers persons not successful in the first round were to be given another chance and a roll over procedure should be followed. Reliance was also placed upon letter dated 16.10.2014 (Annexure P8), for Register A-III, pertaining to the recruitment from District Development & Panchayat Officer and from Block Development & Panchayat Officer, to show that the same procedure was being followed by the Government. Reliance was also placed upon the noting as to how the case was further processed by the Commission till 23.09.2014 (Annexure P9). Thereafter, the process had been changed by the Sub-Committee on 25.09.2014 and 34 candidates had been shortlisted and considered for 2008. The plea, accordingly, taken was that only nine candidates would be considered in the first round, for the process year 2008. Accordingly, submission was that the zone of consideration had unnecessarily been enlarged and as per the proposal submitted, only 15 persons were to be considered for all the 3 process years, as per the table given above and 16 more were, now, being considered. The present petitioners, were at

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various serial numbers of the list dated 25.09.2014 and the official result had not been declared, as such. They had been arrayed alphabet-wise and the zone of consideration could vary and they could also move out, in case of rejection.

The argument, accordingly, was raised that the rules of the game had been changed during the process of the recruitment, as per the prescribed procedure and reference was made to the letters dated 04.11.2008 (Annexure P11), 27.08.2012 (Annexure P12) and 04.09.2013 (Annexure P13). It was, accordingly, contended that all the vacant posts, for the years in question, had been filled up by the same procedure under 1976 Rules, under all the five registers, i.e., Registers A-I, A-II, A-III, B and C, for each process years. It is submitted that apart from Register B, which was for direct recruitment, appointment to the service was to be made in the manner provided, from amongst accepted candidates, whose names had been duly entered in accordance with the Rules, in their Registers of the accepted candidates, as per Rule 7. Similarly, Rule 18 also provided for appointments to be made in pursuance of the said rule, from amongst the candidates selected in the said registers in a slab of 100 vacancies, i.e., for Register C, 6th, 24th, 48th, 72nd and 94th have been specified, as per Sub-Clause (vi) and there were 5 seats which had to be filled. Similarly, for Register A-II also, the roster was prescribed under Rule 18(iii), for the 16 seats. Reliance was, accordingly, placed upon the

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judgment of the Apex Court in **Arvinder Singh Bains Vs. State of Punjab & others 2006 (6) SCC 673**, **Bedanga Talukdar Vs. Saifudaullah Khan & others 2011 (12) SCC 85**, **N.T.Devin Katti Vs. Karnataka Public Service Commission & others 1990 (3) SCC 157**, **Deepak Bhatia Vs. State of Punjab & others 2016 (1) SCT 611** and **K. Manjusree Vs. State of Andhra Pradesh & another 2008 (3) SCC 512**.

Reference was made to Rule 9 (4) for Register A-I and Rule 11 (4) of Register A-III, which provided for each year, the Government may require the Financial Commissioner (Revenue/Taxation) to submit to the Government the list of District Revenue Officers, Tehsildars and Niab Tehsildars/eligible Assistant Excise & Taxation Officers and Excise & Taxation Officers. It was, accordingly, submitted that all the Registers are part of one process and could not be separated. It was, accordingly, contended that the cause of action had only arisen when the list was published and when the deviation had been made from the prescribed procedure and the list which was wrongly prepared, contrary to Clause 10 of the advertisement.

Mr.Puneet Gupta (counsel in CWP-2324-2015) has further added that the circulars dated 17.09.1956 were clarified on 28.06.1961, 29.12.2000 and 06.09.2001, provided the roll over procedure and consideration for the second time.

Mr.Girish Agnihotri, Senior Counsel (in CWP-6672-2014) has submitted that ineligible persons, as per Rule 10, who were not holding the requisite posts were being considered and applications had not been processed, as per the provisions of Rule 10(ii) for Register A-II and the eligible candidates were being non-suited.

The defence of the Commission, was appropriately elaborated through Mr.Kamal Sehgal, Addl.Advocate General, to contend that there was no violation of the terms of the advertisement. The number of posts had been quantified for each year with a common cut off date, as per Rule 15(4), which prescribed the eligibility criteria regarding the period of service and the age as on 01.11.2013, apart from the educational qualifications. The accepted candidates as per Rule 15(5), were to be those who were selected and their names had been entered in the register. Clause 8 was in consonance with Rule 15(2) regarding the shortlisting the candidates to three times the number of vacancies and a common screening test had been prescribed and merit was to be drawn up as per Clause 10, subsequently and only the shortlisting had been done. Clause 10 provided the selection of the candidates on the strength of the ACRs', seniority, experience and performance in the interview, which was only to be done from the shortlisted candidates and the merit was to be prepared, thereafter, for each process year. Reliance upon the

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letters dated 24.06.2013 (Annexure P7) and 16.10.2014 (Annexure P8), was wrong as they pertained to Register A-III and was according to Rule 11. There was no screening test to be held for the said register, which had been made on the basis of merit cum seniority and Rule 11(4) provided that the exercise was to be conducted each year and the names were, accordingly, to be entered in the order as recommended by the Commission. Similarly, Rule 9 pertained to Register A-I which pertained to the persons from the Revenue Department whereas in the present case, the issue was regarding Registers A-II & C, which pertained to Group A and B services. It was, accordingly, pointed out that applications had been received from various aspirants on 17.12.2014, on the basis of which, the noting had been prepared and it was only a suggestion which the petitioners are seeking to enforce. Final decision was taken by the Sub-Committee, which was also passed by the Commission on the same day. No enlargement of the zone of consideration had been done and the procedure in the advertisement had been followed. Rather the petitioners were seeking to reduce the zone of consideration and there was no change of the rules of the game in the process of recruitment. Annexures P11 & P12 pertained to nomination process for Register A-II and Rule 18 would come into play only as and when the vacancies were filled up. There was no such provision in the advertisement that interview had to be held for

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each process years, separately. The petitioners had subjected themselves to the process of selection and could not challenge the same and reliance was placed upon the judgment of the Apex Court in **Madan Lal & others Vs. State of Jammu & Kashmir AIR 1995 SC, Dhananjay Mago & others Vs. State of Bihar, K.A.Nagmani Vs. Indian Airlines & others 2009 SCC 515, Manish Kumar Sahay Vs. State of Bihar 2010 (12) SCC 576.**

The persons who were on the list, had not been made party and therefore, writ petitions could not be allowed in their absence.

Mr.R.K.Malik, Learned Senior Counsel for the private-respondents, submitted that the rules are not being challenged. Rule 9(4) and 11 (4), pertained to Registers A-I and A-III, wherein specifically each year had been mentioned. There was no provision under Rule 10 which would govern Register A-II and C, for the vacancies to be filled up, for each process year, separately. The advertisement was as per rules and thus, no fault could be found in the procedure being followed.

Similarly, Mr.Harsimran Singh Sethi, Advocate, for the private-respondents, submitted that there was no such provision under Rule 10 for a second interview and the eligibility could not be seen for each year separately and a common eligibility had been prescribed.

After hearing counsel for the parties, this Court is of the opinion that the arguments raised by counsels for the petitioners

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are not sustainable, in any manner and the same cannot be accepted. Rather, the case, as projected, is the other way round, as the petitioners are seeking the change of the rules after having accepted the terms of the advertisement, which was in consonance with the 1976 Rules. The advertisement No.2 dated 21.04.2014, which invited on-line applications from eligible employees of Group A & B services of the Punjab Government, specifically provided that the cut-off date was to be determined on 01.11.2013 for the three process years in question. The number of posts in both the registers had been specified. As per Clause (iv), the person had to be eligible as per the provisions of Rules 10(4) & 15(4), which contain the clause that regular employees, confirmed and having 8 years of continuous service, below the age of 54 years as on 01.11.2013 and being a graduate, were eligible and whose names could be included in the final list. Clause 4 reads as under:

“4.0 Criteria for eligibility

The criteria for eligibility for these posts as provided in Rule 15 of the Punjab Civil Services (Executive Branch) (First Amendment) Rules, 2011 is as under:-

The name of a person shall not be included in the final list unless he-

- a) is a confirmed hand and has completed eight years continuous service under the Government;
- b) is under the age of fifty four years on the first day of November immediately preceding the date of submission of names by the concerned authorities; and
- c) is a Graduate of a recognized university.”

The vacancies which had been, thus, notified read as under:

“1. VACANCIES:-

Sr. No.	Name of Post	Process Year for Register A-II and Register C	No. of Posts (Register A-II)	No. of Posts (Register C)
1	Punjab Civil Service (Executive Branch)	2008	08	03
2	-do-	2012	10	03
3	-do-	2013	07	03

2. CRITERIA FOR ELGIBILITY:-

As provided in Rule 10(4) and Rule 15(4) of Punjab Civil Service (Executive Branch) First Amendment Rules, 2011 for Register A-II and Register C respectively.

THE CUT-OFF DATE FOR DETERMINING THE ELIGIBILITY CRITERIA SHAL BE 1ST NOVEMBER 2013”

Clause 3.1 very clearly provide that the selection was being done for those three years and after the completion of the selection process, the names of the selected candidates would be forwarded by the Commission to the Government for entering their names in Register C, as accepted candidates. For reaching the stage of entering the names in Register C, the procedure was prescribed in Rule 15 itself, which reads as under:

“15. Preparation of Register C of accepted candidates –
(1) The Commission shall invite the applications from amongst the members of Group 'A' and Group 'B' services, serving in connection with the affairs of the State of Punjab, who are not covered under any of the categories of officers or officials mentioned in rules 9, 10 and 11, not below the level of Senior Assistants, which

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shall be submitted to the Commission through proper channel alongwith their service record.

(2) The applications received alongwith the service records of the candidates shall be processed by the Commission for adjudging the suitability of such candidates, and after conducting a screening test, the Commission shall prepare a list of eligible persons, three times of the number of vacancies.

(3) For final selection of the candidates from the list prepared under sub-rule (2), the Commission shall determine the suitability of candidates on the basis of Annual Confidential Reports, Seniority, Experience and Performance in the Interview by associating two representatives of the State Government, one serving as Secretary, Personnel and General Administration and the other senior IAS officer nominated by the Chief Secretary to Government of Punjab :

Provided that the members of the Commission and representatives of the State Government involved in the selection, shall certify in respect of the each candidates that they have no relation with him.

(4) The name of a person shall not included in the final list unless he-

“ (a) is a confirmed hand and has completed eight years continuous service under the Government;

(b) was under the age of fifty four years on the first day of November immediately preceding the date of submission of name by the concerned authorities; and

(c) is a Graduate of recognized University.

(5) A list of selected candidates shall be forwarded to the Government by the Commission for entering their names in Register C as accepted candidates and these names shall be entered in this register in order in which they are recommended by the Commission.”

A perusal of the above would go on to show that from

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the applications received along with the service records of the Group A and B members, the applications were to be processed after adjudging the suitability of the said candidates and after conducting a screening test. The list of eligible candidates was, thus, to be three times the number of vacancies. For Register C, there were 9 vacancies for the 3 years in question, for which, 31 candidates have been declared eligible, since 27 candidates had to be declared eligible whereas the others have got the same number of marks in the screening test and therefore, the list had been extended to 31, which was in consonance with Clause 8 of the advertisement, which reads as under:

“8.0 Criteria for short-listing of candidates:-

As provided in Rule 15(2) of the Punjab Civil Services (Executive Branch) (First Amendment) Rules, 2011, the Commission shall conduct a screening test to shortlist the candidates and shall prepare a list of eligible persons, three times the number of vacancies.”

It is on this basis the 31 candidates are to be interviewed, as per the provisions of Rule 15(3) whereby the suitability, on the basis of ACR's, seniority, experience and performance in the interview is to be seen by the selection committee, as provided under the rules. The said factor has been incorporated in the advertisement in Clause 10, which reads as under:

“10.0 Selection of the candidates:-

10.1 As provided in Rule 15(3) of the Punjab Civil

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Services (Executive Branch) (First Amendment) Rules, 2011, for final selection of the candidates from the list prepared on the basis of screening test, the Commission shall determine the suitability of candidates on the basis of Annual Confidential Reports, Seniority, Experience and Performance in the Interview by associating two representatives of the State Government; one serving as Secretary, Personnel and General Administration and the other senior IAS officer nominated by the Chief Secretary to Govt. of Punjab.”

Though the Commission had provided that the screening test would be common for all the process years, however, the merit was to be prepared for each process year. The argument of Learned Senior Counsel that Clause 9(e) is to be read conjointly, is not acceptable, in view of the rules and the clauses of the advertisement, which have been duly incorporated in consonance with the rules. Clause 9(e) reads as under:

“9(e) The Commission shall conduct a common Screening Test for all the process years to shortlist the candidates. However, merit of the candidates shall be prepared for each process year.”

It is only on the basis of the final selection of the candidates the selected candidates' names is to be forwarded under Rule 15(5) to the Government by the Commission for entering their names in Register C, as accepted candidates. The argument that the 9 candidates had to be considered for the year 2008 and out of which, 3 had to be selected and 6 had to be rolled over for 2010, thus, is not acceptable. Even the advertisement

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only shows a common cut-off date of 01.11.2013. If that was the intention, as contended, there would have been a different cut-off date provided for each year and various candidates under Rule 15 (4) would have been not eligible for the subsequent process years as they may have been over the age of 54 years and thus, could not be considered for the subsequent process years. Even the advertisement, as such, does not prescribe any such procedure which has now been sought to be contended. Clause 11.2, thus, would provide only the eligible shortlisted candidates to submit their service record, which would be in consonance with Clause 10 and Rule 15 (3).

Thus, in the above facts and circumstances, it would be apparent that the petitioners being well aware of the procedure prescribed, cannot, now, turn around and submit to the contrary, in view of the settled position of law, which have been cited by Mr.Sehgal, regarding the submission to the prescribed procedure. Counsel for the respondents have rightly pointed out that for Register A-I and Register A-III, Rules 9(4) and 11(4) govern the procedure for selection of candidates for the said registers and as per Rule 9(4), the Government requires the Financial Commissioner (Revenue) to submit the list of eligible revenue officials each year. Rule 9(4) reads as under:

“9 (4) Each year at such time, as the Government may require, the Financial Commissioner, Revenue, shall submit to the Government the list of eligible District

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Revenue Officers, Tehsildars and Naib Tehsildars as per sub-rule (1).”

Similarly, for Register A-III, the Rule 11(4) prescribes the Financial Commissioner (Taxation) to submit the list of eligible officers each year. The said rule reads as under:

“11(4) Each year, as such time, as the Government may require, the Financial Commissioner, Taxation shall submit to the Government the list of eligible Assistant Excise and Taxation Commissioners and the Excise and Taxation Officers. The Financial Commissioner Rural Development and Panchayat shall submit to the Government the list of eligible District Development and Panchayat Officers and Block Development and Panchayat Officers as per sub-rule (1).”

The said provisions which are now sought to be incorporated for the other registers, on the basis of noting prepared by the officers of the Commission, is without any justification. If some of the aspirants had given suggestion to shrink the zone of consideration and keep it limited within a selected few candidates, the same cannot be accepted and the Sub-Committee of the Commission rightly followed the procedure which was prescribed, as per the terms of the advertisement and the rules. It is settled principle of law that office notings would not give any right, since they are not formal orders and it only gives an insight into as to how the decision making process is done. The views expressed are only for internal use and until they are converted into a specific order, which can be considered

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acceptable, reliance upon the same is without any basis. The said notings only suggest a particular line of action and cannot be enforceable, as such and bind the Commission. If an earlier view was being propagated by the aspirants and the petitioners also might be party to the same, they cannot take any benefit from the way the file was processed, at an earlier point of time. Reference can be made, on this issue, to the judgments of the Apex Court in **State of Bihar Vs. Kripalu Shankar 1987 (3) SCC 34**, **Puranjit Singh Vs. Union Territory of Chandigarh & others 1994 (Suppl.) SCC 471** and **Jasbir Singh Chhabra & others Vs. State of Punjab & others 2010 (4) SCC 192**. No fault, thus, can be found in the procedure which is being followed by putting 31 candidates for Register C, against 9 vacancies and 77 candidates for Register A-II, against 25 vacancies, to be considered for interview.

The argument raised that the posts are specified under Rule 21 and the roster points are fixed, is also, least to say, preposterous and amounts to putting the cart before the horse. The roster point is for the fixation of the points of the persons selected under various lists, which is a subsequent process and has nothing to do with the process of shortlisting of the candidates, which is to be done as per the provisions of Rules 10 & 15. Therefore, the contention raised that the petitioners had a right to be included in the list of the accepted candidates, as per the terms

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of the advertisement, is without any basis and reliance upon the said fixation of the points, under Rule 21, cannot be made.

In such circumstances, the judgments which have been relied upon by counsel for the petitioners, in the facts and circumstances, are not applicable. Rather the judgment in **K.Manjusree** (supra) does not support the petitioners and would support the respondents that rules of the game cannot be changed during the process of recruitment, which is sought to be done by the petitioners. Resultantly, this Court is of the opinion that there is no merit in the present bunch of writ petitions and accordingly, the same are, hereby, dismissed.

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(G.S. SANDHAWALIA)
JUDGE