

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 22762 of 2015 (O&M)

Date of Decision : February 17, 2016

Balpreet Singh and another Petitioners

vs.

Chandigarh Administration and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Sartej Singh Narula, Advocate
and Mr. Mohit Jaggi, Advocate
for the petitioners.

Ms. Deepali Puri, Advocate
for the respondents.

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DEEPAK SIBAL, J. :

Shorn of unnecessary details, the facts, which are borne out from the record of the case and which have emerged from the arguments raised at the bar are that through advertisement dated 28.12.2012, the respondent Municipal Corporation, Chandigarh (hereinafter referred to as – the respondent Corporation) inter-alia invited applications for appointment of Sub-Divisional Engineers (SDEs). The last date for submission of

applications was 20.02.2013, which, through a corrigendum was extended to 30.04.2013. On a query posed, learned counsel for the respondent Corporation informs the Court that even after the passage of nearly three years, the selection process is only at the initial stage of scrutiny of applications. In the meanwhile, the petitioners, who have become eligible, have filed the present petition seeking issuance of a direction to the respondent Corporation to also give them an opportunity to make an application for consideration of their candidature.

While not appreciating the laxity shown by the respondent Corporation in the conduct of the selection process in question, I intend to allow the present petition.

Once it is the admitted position that there has been an inordinate and unjustifiable delay of nearly three years between the last date for submission of applications and the effective start of the selection process and in the meanwhile, certain other candidates have become eligible, it would be desirable if persons like the petitioners are also allowed to take part in the selection process. In this way, the respondent Corporation would have the option to choose suitable candidates from a wider net of eligible candidates and as the selection process is only at the stage of scrutiny of applications, the same would be to the prejudice of none. To have an option to select suitable candidates from a larger pool of eligible candidates would also be in public interest and would also be in

line with the law laid down by the Apex Court in the case of **Chandgi Ram vs. University of Rajasthan** - (2001) 10 SCC 556, wherein it has been held as under :-

“9. We also make it clear that apart from the candidates who are entitled to participate in this selection in pursuance to the said earlier advertisement, a fresh advertisement in accordance with rule, if any, be also made by the University within three weeks from today, entitling fresh candidates also to apply for the same. During this interregnum, the University will take expeditiously all proceedings for the due Constitution of the Selection Committee including obtaining nominations from the State Government, if any required. Since the State Government has already been served in this matter, we direct the State Government to nominate one, if any required for the Constitution of the Selection Committee, so that no delay is caused in making selection within the aforesaid time table. We would not have given this time table to expedite the selection but for the inordinate delay caused by the University in making this selection. We deprecate this culture of ad hocism and hope in future it is only used for a stop gap arrangement i.e. for a short period. ***[Emphasis supplied]***”

In view of the aforesaid facts and the position of law, the

respondent Corporation is directed to issue a fresh advertisement, which would be in continuation of the earlier advertisement dated 28.12.2012, through which fresh candidates may be permitted to apply within a time bound frame and as the fresh advertisement would be in continuation of the earlier advertisement, the applicants qua the first advertisement need not apply afresh.

While deprecating the delay which has already taken place in the selection process, the respondent Corporation is directed to issue a fresh advertisement within 15 days from the date of receipt of a certified copy of this order and complete the entire selection process within six months thereafter.

The writ petition stands disposed of in the above terms.

(DEEPAK SIBAL)
JUDGE

February 17, 2016
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