

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.2496 of 2016

Date of decision: 8.2.2016

Sarabjit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondent

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

Present: Mr. Sandeep Arora, Advocate for the petitioner.

G.S.SANDHAWALIA, J, (Oral)

The petitioner seeks consideration for appointment on the post of Teaching Fellow against advertisement dated 5.9.2007 (Annexure P/4).

The contention of the petitioner is that the posts are still lying vacant and therefore, the petitioner is entitled for consideration. The issue of delay stares on face of the petitioner. Explanation is sought to be given that the petitioner had approached this Court by way of filing Civil Writ Petition No.11764 of 2012-Sarabjit Kaur Vs. State of Punjab and others which was dismissed on 2.2.2015 with liberty to file fresh one after annexing the relevant documents. The said order reads as under:-

“Learned counsel for the petitioner wants to withdraw the present writ petition with liberty to file fresh one after annexing the relevant documents.

Dismissed as withdrawn with aforesaid liberty.”

Counsel for the petitioner could not demonstrate in any manner what additional documents have been placed on record.

In similar circumstances, in **Civil Writ Petition No.2389 of 2016-Nishinder Kaur Vs. State of Punjab and others** decided on 5.2.2016, this Court had noticed that the State has already taken a decision

to close down the recruitment process on 26.7.2013 in relation to the advertisement in question in which the petitioner seeks consideration at this belated stage.

It was further observed that the selection process regarding the same advertisement cannot go on forever. Reliance was placed upon the Division Bench in **LPA No. 1781 of 2014, Loveleen Kaur vs. State of Punjab and others** decided on 03.11.2014. The relevant observations read thus:-

“We find that the appellant cannot claim any direction for further counseling having failed to appear for the counseling on 7.7.2011. In response to a public notice, many candidates, including some of juniors to the appellant, have appeared for counseling. Once the appellant has failed to appear on a specific date, no grievance can be entertained so as to direct the respondent to hold another counseling. Learned Single Judge has rightly declined to interfere in the order passed by the respondents declining the representation of the petitioner.

Another argument raised by learned counsel for the appellant is that if in future it is decided to hold counseling again, the appellant should be called for counseling.

We do not find that any such direction can be given. The publication to conduct counseling was done through a public notice. The second counseling was conducted in the year 2011 i.e. more than 3 years earlier. The selection process once concluded, cannot be kept pending till eternity so as to confer right on the applicants for appointment. However, as and when any fresh advertisement seeking appointment is issued, it shall be open to the appellant to apply in accordance with law.

We do not find any merit in the appeal and the same is hereby dismissed.”

For the reasons given in the aforesaid case, the present writ petition is dismissed in limine.

February 08, 2015
Pka

(G.S.SANDHAWALIA)
Judge