

C.W.P No. 25897 of 2016

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 25897 of 2016

DATE OF DECISION:14.12.2016

Amandeep Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Vivek Suri, Advocate
for the petitioners.

DAYA CHAUDHARY, J.

Total 1227 posts of Revenue Patwaris were advertised on 18.8.2015. Said posts were to be filled up through written examination. The last date for submitting the applications was 15.9.2015. The requisite qualification was Bachelors Degree in any discipline from recognized University and 120 hours work experience in the field of Personal Computer or Information Technology in the office productivity or 120 hours working experience in computer application from a recognized Institute or a certificate of 'O' level from the Department of Electronic Accreditation of Computer Course with Punjabi in matriculation as one of the subjects. The written examination was held. The petitioners cleared the same, however, the recruitment process was scrapped for certain reasons. Thereafter again on 10.9.2016 a fresh advertisement for recruitment of 2084 posts was published. Out of total 2084 posts, 1227 posts were of Revenue Patwaris

and 857 posts were of Canal Patwaris and 917 seats were meant for General Category candidates and remaining seats were for other categories. It was also mentioned in the advertisement that the candidates who had already applied in pursuance of earlier advertisement were only to fill up the applications online but they need not to deposit the requisite fee again. Consequently, written examination for the said posts was conducted by the respondents on 20.11.2016. It is alleged that the question paper which was given in written examination did not contain questions relating to the subject of Accounts, whereas, it was specifically mentioned in Clause 5 of the Public Notice that the written test would include questions of General Knowledge, Mental Ability, Arithmetic skills, English language, Punjabi language, computers/information technology, Agriculture, Punjab History and Culture.

Learned counsel for the petitioners contends that there was no question from Accounts, whereas, it was part of the syllabus and some of the candidates like the petitioner have been deprived of their legitimate right of selection/appointment. Learned counsel further contends that notice for counselling has been issued and it is likely to be concluded very shortly. At the end, learned counsel for the petitioners submits that the petitioners could not qualify the test due to fault of the respondents as question from Accounts were missing and selection process has been done in a hasty manner.

Heard the arguments advanced by learned counsel for the petitioners and have also gone through the documents available on the file, including the criteria of selection mentioned in the advertisement.

The facts relating to publication of two advertisements are not

disputed. The petitioners applied for the posts of Revenue Patwaris but could not qualify the written test. The candidates who have qualified the test have been called for counselling. The only grievance of the petitioners is that inspite of specifically mentioning the syllabus of Accounts in the public notice, no questions of accounts were included due to which the petitioners could not qualify the test. Undisputedly the petitioners have participated in the selection process but could not qualify the same. The questions were same for all the candidates and the petitioners, who could not qualify the test, have approached this Court for quashing of the selection process for the posts of Revenue Patwaris/Canal Patwaris. The petitioners would have approached the authorities concerned immediately after conducting of test by raising an objection but nothing is there on record to show that any objection was raised by them. The rights of the candidates to challenge the selection process have accrued only after they appear in the written test. The petitioners have no right to challenge the selection as they have not passed even the written examination. The candidates who have cleared the written test are not party before this Court and in absence thereof, no direction can be issued to quash the selection process including the advertisement and that too only on the ground that questions of Accounts subject were not there in the written examination.

Accordingly, there is no merit in the contentions raised by learned counsel for the petitioners and the petition being devoid of any merit is hereby dismissed.

December 14, 2016
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes