

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

**CWP No. 6589 of 2016**  
**Date of decision: 07.04.2016**

Inderpreet Singh and others

....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

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

Present: Mr. R.K. Arya, Advocate,  
for the petitioners.

**G.S.SANDHAWALIA, J. (Oral)**

The petitioner seeks quashing of the public notice dated 19.09.2013 (Annexure P-6) whereby, decision was taken for withdrawal of the earlier public notice dated 09.01.2013 (Annexure P-3/1). Vide the earlier notice, a decision had been taken that candidates who had been issued appointment letters regarding the posts advertised on 23.09.2009 and who had not joined were given last chance to join. Resultantly, the same offer was withdrawn, which is now sought to be challenged after a period of 2-1/2 years.

The case of the petitioners is that in pursuance of the said advertisement, appointment letters had been issued on 28.04.2011 (Annexures P-2/1 and P-2/2) but they could not join and thereafter they were given another option but it was wrongly withdrawn.

A perusal of the appointment letter would go on to show that the same was on a consolidated salary of ₹6,400/- on contractual basis. It is not disputed that persons who have joined have been regularized and it is on this account, the petitioners at this belated stage are now seeking the benefit of their own lapse of not having joined on earlier account. It is also not

disputed that the State has advertised the posts of Punjabi Masters and Mistresses in December, 2015 keeping in view the vacancies in hand on account of non-joining of various persons and against the vacant posts. Fresh applications have come against the said advertisement. The petitioners have only a right of consideration and not the right of appointment. Earlier, they chose not to join. At this belated stage, they cannot submit that they have an absolute right as such against the appointment letters which had been issued but not acted upon by them.

A similar issue came up for consideration before the Division Bench of this Court in ***LPA No. 1781 of 2014, Loveleen Kaur vs. State of Punjab and others*** decided on 03.11.2014 pertaining to a similar situation. It was held that the selection process cannot be kept pending till eternity so as to confer a right on the applicants. The curtains have to come down in the selection process. 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.”*

In the present case, as noticed, fresh advertisement has already been issued by the State and in such circumstances, no interference is called for at this belated stage.

Accordingly, the present writ petition is dismissed in limine.

07.04.2016  
shivani

(G.S. SANDHAWALIA)  
JUDGE