

LPA-878-2015 (O&M)

-1-

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

LPA-878-2015 (O&M)

Date of Decision: August 12, 2016

Amarbir @ Tara Singh

.....Appellant

Versus

Punjabi University, Patiala and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Vikas Singh, Advocate
for the appellant.

Mr.Vipul Jindal, Advocate
for respondent No.1

Mr.A.P.S.Bal, Advocate
for respondent Nos.2 and 3.

.....

SURYA KANT, J.

CM-1835-LPA-2015

Prayer in this application is for condonation of delay of 516 days in filing the accompanying appeal. It is averred that against the order of learned Single Judge dated 30.09.2013, earlier LPA No.1960 of 2013 was filed which was disposed of on 19.05.2014 with a direction to the applicant-appellant to file review application within 15 days. Consequently, the applicant-appellant applied for review before learned Single Judge on 02.06.2014 which was dismissed on 02.03.2015. Thereafter, the instant appeal has been filed.

We thus find that the delay has occurred on account of pendency

of previous Letters Patent Appeal or the review application. Learned counsel for the respondents also fairly states that they have no objection if the delay is condoned.

Application is accordingly allowed. Delay of 516 days in filing the appeal is condoned.

Application stands disposed of.

CM-1836-LPA-2015

In view of the facts mentioned in the application, the same is allowed. Delay of 7 days in re-filing the appeal is condoned.

LPA-878-2015

This appeal is directed against the order dated 13.09.2013 whereby learned Single Judge allowed the appellant's writ petition to the extent that selection of private respondents was set aside but no direction qua his appointment has been given. He also challenges the order dated 02.03.2015 whereby his review application has been dismissed.

The appellant challenged the selection of respondent Nos.2 and 3 for the post of Laboratory Attendant. His claim was that he being higher in merit, was entitled to be appointed. Learned Single Judge found that though the candidates were short-listed as per their 'eligibility' and 'qualifications' but it was the interview which led to the appellant's ouster from the zone of consideration. It is further held as follows:-

“Evidently the official respondent gave appointment to the private respondents No.2 and 3 in complete violation of the principles governing public appointments and fair selection. In similar circumstances this Court had also quashed the selection in CWP No.16457 of 2010.

For the aforesaid reasons, I am of the opinion that in public appointments, transparency has to be the foremost criteria. The official respondent have by violating this principle given undue advantage to respondents No.2 and 3 who evidently were less deserving than the petitioner. Consequently, their selection is quashed.”

Since learned Single Judge has held that the appointments were made by adopting a criteria which lacked transparency, it is obvious that no direction for appointment of the appellant based upon such criteria could be issued. He then filed an appeal which was disposed of with liberty to file review application to seek direction for his appointment. Learned Single Judge has dismissed his review application. Hence, this appeal.

Learned counsel for the University informs that in deference to the first order of learned Single Judge dated 30.09.2013, fresh selection process was held in which the appellant refused to participate and did not appear in the written test. The private respondents, on the other hand, appeared and are said to have qualified. They have again been selected and made regular.

In the light of the facts and circumstances noticed above, no effective relief can be granted to the appellant in this appeal as the subsequent

selection, if any, is not under challenge. Be that as it may, no direction for appointment of the appellant can be issued when the criteria itself was found to be tailor-made and arbitrary. If the stand taken by the respondents is correct that fresh selection has been made, the appellant shall be at liberty to challenge such selection in accordance with law.

Disposed of.

(SURYA KANT)
JUDGE

August 12, 2016
meenuss

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No