

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.15932 of 2017

Date of Decision: August 02, 2017

Harish Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Vinod Bhardwaj, Advocate, for the petitioner.
Mr. R.K. Doon, AAG, Haryana.
Mr. Kanwar Goyal, Advocate, for respondent no.3.

Amol Rattan Singh, J. (Oral)

In this petition, the petitioner seeks that, since a delay has occurred in the recruitment process to fill in 27 posts of Assistant Engineers and 16 posts of Assistant Executive Engineers in the Public Health Engineering Department of the Government of Haryana, the advertisement to fill up the posts having been issued on 17.11.2015 with the cut off date of receipt of applications being 16.12.2015, he be also now considered for appointment thereto, he having become eligible for such appointment in the meanwhile, having acquired the necessary qualification of B.E./B.Tech.

The selection process is stated to have been *in limbo* from 16.12.2015, i.e. the last date for receipt of applications, till 30.06.2015, with an announcement made on that date by the respondent-Commission, stated to have been published in various newspapers, as also on the website of the Commission. The said announcement is to the effect that the screening process for shortlisting the candidates for selection, equal to 20 times of

posts advertised, would begin in the 2nd week of August 2017.

Thus, the contention of the learned counsel for the petitioner is, as already noticed hereinabove, that the process having been stalled for 1½ years, there would be no reason to not include the petitioner in the selection process at this stage.

Whereas, at first blush, the argument did not sound unattractive and notice had been issued by this Court to the respondent-Commission, Mr. Kanwar Goyal has stated that the selection process got delayed because of selection processes to various other posts having been undertaken by the Commission in the meanwhile, including some posts where the Commission and the respondent-State were facing contempt petitions before this Court, on account of non-filling of vacancies in those cadres.

Learned counsel has relied upon various judgments, including one of a Division Bench of this Court in **Kabal Singh and 29 others v. State of Punjab and another**, 1997 (3) SLR 2 (decided along with two other writ petitions on 08.10.1996), wherein the sanctity of the cut off date prescribed in the advertisement has been upheld.

That apart, the fact remains that the petitioner is seeking to base his claim on the fact that there was a delay in the selection process but not on account of any additional posts having been added to the selection process, for recruitment thereto, without inviting fresh applications from candidates who may have become eligible in the meanwhile.

Therefore, had the selection process taken place within a reasonable time after it had been initiated, i.e. within about 9/10 months of

such process having been initiated, obviously, the petitioner would not have had any grievance at all with regard to his non-consideration, he not being eligible at that time.

Consequently, the posts as have become vacant in the meanwhile, in the aforesaid two cadres of Assistant Engineers and Assistant Executive Engineers, in the Public Health Engineering Department of the respondent-State, still remain unfilled and would obviously be filled in by a subsequent selection process, when the Government decides to fill in the posts.

That being so, the petitioner would not have any indefeasible right in respect of the posts to be now filled in, without any additional posts having been added to the selection process by the respondent-Commission or State; and at this stage to allow fresh applications to be invited from amongst those who have become eligible in the meanwhile, would obviously delay the selection process even further.

Consequently, to yet again repeat, the posts as have become vacant after the posts in question were advertised for filling up, being always available to be filled up in the future and the petitioner being eligible now to apply for such posts, if he meets other parameters as and when the selection process for those posts are advertised, I see no ground to entertain this petition, which is accordingly dismissed.

August 02, 2017
vcgarg

(Amol Rattan Singh)
Judge

Whether speaking/reasoned: Yes
Whether reportable: Yes