

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

**CWP No. 2303 of 2014
Date of Decision: 15.03.2017**

Ranjeet Singh

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G. S. Ghumman, Advocate for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab for respondent No. 1-State.

Mr. Vipul Jindal, Advocate for respondent No. 2.

JAISHREE THAKUR, J.

The petitioner herein is seeking to set aside the appointment list dated 22.01.2014 with an additional prayer that the respondents be directed to appoint him on the post of Driver-cum-Conductor against the Ex-Servicemen Category in response to the advertisement issued.

In brief, the facts of the case are that petitioner is an Ex-serviceman having put in 17 years and 19 days of meritorious service. An advertisement dated 12.12.2013 was issued by respondent No. 2 and the petitioner herein applied for the post of Driver-cum-Conductor in response to the said advertisement. The petitioner appeared before the Interview Committee on the time fixed. However, he was not offered any letter of appointment. A request was made to the respondents for consideration of his candidature being the only person to have appeared in the interview. However, there was no response from the respondents. Aggrieved, the instant writ petition has been filed.

Mr. G. S. Ghumman, learned counsel appearing on behalf of

the petitioner, contended that the petitioner has the necessary qualification to be appointed in the category of Ex-Servicemen, however, the respondents have acted illegally in not offering appointment to the petitioner. It is further argued that the vacancies by way of direct recruitment are to be filled in as per the 100 points roster and as per the roster available, vacancies at No. 7, 14, 21, 28, 35, 44, 53, 60, 67, 73, 80, 87 and 93 (total 13) are to be filled in by appointing Ex-Servicemen which has not been done pursuant to the advertisement that was issued. In fact, 14 Drivers have been appointed but not even a single vacancy has been allocated to an Ex-Serviceman.

Per contra, Mr. Vipul Jain, learned counsel appearing on behalf of the respondent-University would submit that the petitioner, being an Ex-Serviceman who had applied for the post of Driver-cum-Conductor, can not be offered appointment as the post against which the petitioner had applied for was reserved for SC Ex-Servicemen Category. It is submitted that the post that was advertised on 12.12.2013 had been advertised to fill roster point at No. 53. In fact, the advertisement that came to be published wrongly mentioned that one post was reserved for Ex-Serviceman whereas roster point No. 53 had been reserved for SC Ex-Servicemen Category.

I have heard learned counsel for the parties and have also perused the record of the case.

The argument raised that the petitioner is entitled to be considered for appointment being the sole person who had appeared for the interview can not be sustained in view of the fact that the said post was reserved for SC Ex-Serviceman. Even the argument as raised that there was no corrigendum issued to the advertisement clarifying that the post was only

meant for SC Ex-Serviceman as mentioned in the advertisement would give no benefit to the petitioner. In case, the roster point for SC Ex-Serviceman had to be filled in, the same could not have been offered to the petitioner under any situation. The petitioner would not be able to derive any benefit from the mistake committed by the University in its advertisement, nor can the Court issue any direction to an authority to act in contravention to the statutory provisions.

It has also been urged that respondents herein have not advertised the post of Ex-Servicemen according to the roster point and the same should have been done which fact is belied by the additional affidavit that has been filed. As per the additional affidavit, the running roster point at No. 44 for Ex-Serviceman was filled up by Ajaib Singh on 24.12.2011 and in the additional affidavit it has been mentioned that roster points No. 7, 14, 28 and 44 which were meant for the category to which the petitioner belongs i.e. Ex-Servicemen stood exhausted as on the date the advertisement was published.

Therefore, the petitioner has no right to be considered for appointment being Ex-Serviceman. An inadvertent mistake that crept into the advertisement would not benefit the petitioner who is to be appointed on his own roster point which is not available as on the date advertisement was issued.

Accordingly, the writ petition is dismissed.

March 15, 2017

Ansari

**(JAISHREE THAKUR)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*