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

**CM-15560 of 2017 in/and
CWP-19063-2017
Date of Decision: 31.10.2017**

- Meena Devi and others

.....Petitioners
- Vs.

State of Haryana and others

....Respondents
2.

CWP-19741-2017
- Pinki and another

.....Petitioners
- Vs.

State of Haryana and others

.....Respondents.
3.

CWP-19174-2017
- Meena Kumari

.....Petitioner
- Vs.

Bhagat Phool Singh Government Medical College for Women,
Khanpur Kalan, Sonapat

.....Respondent
4.

CWP-21210-2017
- Someshwar Yadav

.....Petitioner
- Vs.

State of Haryana and others

.....Respondents
5.

CWP-24453-2017
- Reema Rani and others

....Petitioners
- Vs.

State of Haryana and others

.....Respondents

6.

CWP-24666-2017

Digant Kumar and others

....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Abhinav Gupta, Advocate
for the petitioners.(in CWP-19063-2017)

Mr. Jasmer Singh Rozera, Advocate
for the petitioners. (in CWP-19741-2017)

Mr. Vikas Bhardwaj, Advocate
for the petitioner (in CWP-19174-2017)

Mr. Vivek Lamba, Advocate
for the petitioner (in CWP-21210-2017)

Mr. Jasbir Mor, Advocate
for the petitioners (in CWP-24453 & 24666-2017)

Mr. Jasbir Mor, Advocate
for the respondents No. 4 to 9 (in CWP-19063-2017)

Mr. R.K.Doon, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

By this petition (CWP-19063-2017) and connected petitions, the challenge is to the selection of Staff Nurses pursuant to the advertisement No.2 having been issued on 28.04.2017, a copy of which is annexed as Annexure P-1 with the petition.

This Court having made certain observations in

previous orders, as per contentions raised before it, eventually on 23.10.2017, learned counsel for the State on instructions had made a statement that a decision had been taken by the competent authority to scrap the selection process in question, i.e. for appointment of Staff Nurses.

Today CM No.15560 of 2017 has also been filed in this petition by the respondent-State, annexing therewith the affidavit of Dr.P.S. Ghalaut, Director of the respondent institution, i.e. Bhagat Phool Singh Government Medical College for Women, Khanpur Kalan, Sonapat, which in turn is accompanied by a letter from the office of the Director, Medical Education and Research, Haryana, dated 24.10.2017, addressed to the Director of the institute, stating that after “making deliberate consideration” of the subject matter, the State Government has decided to scrap the recruitment/selection list of 105 Staff Nurses.

It has also been decided to re-advertise the posts, after which selection would be based upon a screening test as per revised instructions of the State Government.

Learned State counsel also states that an enquiry is being conducted into the selections made in the now scrapped selection process, by the Vigilance Department.

Learned counsel appearing for the selected candidates, i.e. respondents No. 4 to 59, have vehemently opposed the decision of the State Government and infact CWP No. 24453 of 2017 has also been filed, which has come up for hearing for the

first time today, in which the aforesaid decision has been challenged, the State Government having taken the aforesaid decision.

In my opinion, with the statement made by the State counsel, that the selections made have been referred to the Department of Vigilance, for inquiry into whether there was any mala fide/extraneous consideration involved in selecting the candidates, I see no reason to interfere with that decision, especially as it has been done after a scrutiny committee is stated to have gone into the matter.

Though learned counsel for the respondents in CWP No.19063 of 2017, as also for the petitioners in the petitions filed today (CWP Nos.24453 and 24666 of 2017), have submitted that the decision of the scrutiny committee is wholly erroneous as the documents that were asked for from those 30 candidates found ineligible by the committee, were duly supplied by those 30 candidates, yet in view of the fact that the entire matter is being gone into by the Department of Vigilance at the instance of the State, it would not be proper, at this stage at least, for the Court to interfere in the decision of the Government, or in the inquiry to be conducted by the Department of Vigilance.

Consequently, as regards CWPs No. 19063/2017, 19741/2017, 19174/2017 and 21210/2017, they are disposed of as having been rendered infructuous in view of the decision of the State Government, as aforesaid. As regards CWP No.24453 of

2017 and 24666 of 2017, they are dismissed in view of the fact that the State Government itself has not found the selection process to be proper and a 'Vigilance Inquiry' is being conducted, which is still at an absolutely nascent stage.

Of course if eventually the Department of Vigilance or any other agency to which the matter is referred, by the State Government, finds that actually there was no bungling, mala fides, etc. in the selection process, it would be open to the State Government to revive the selection process by giving detailed reasons in any order of such revival, which, again obviously, if challenged before this Court, would be considered on its own merits.

A photo copy of this order be placed on the file of the other connected case.

October 31, 2017

dharamvir

(Amol Rattan Singh)
Judge

Whether speaking/reasoned	: YES/NO
Whether Reportable	: YES/NO