

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

CWP No. 22978 of 2017
Date of decision: 07.10.2017

Mandeep Kumar Gulia and others

....Petitioner(s)

Versus

Haryana Public Service Commission and another

...Respondent(s)

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

Present: Mr. Rahul Sharma-I, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The petitioners challenge the Advertisement No. 7 dated 19.12.2015 (Annexure P-2) wherein, the eligibility was fixed regarding the age, qualification and experience for the post of Assistant Town Planner with Town and Country Planning Department as 18.01.2016.

The sole argument raised by counsel for the petitioners is that on account of delay in completing the process, the date should be extended. Mr. Sharma has pointed out from the paper book that initially Advertisement No. 3 dated 13.06.2014 (Annexure P-1) was issued whereby 15 temporary posts of Assistant Town Planners were advertised and the cut off date was 07.07.2014. Thereafter, another Advertisement No. 7 was issued whereby 22 more posts were advertised and the cut off date was fixed as 18.01.2016. The essential qualifications in both of the advertisements was the same which read thus:-

“(i) A post graduate degree in Urban & Regional Planning/Urban Planning/Regional Planning/M.Tech in Planning (Urban, Traffic and Transport, Housing, Infrastructure), or equivalent

making the holder eligible for associate membership of the Institute of Town Planners, India.

OR

B.Tech degree in Planning from a recognized Institute/University with two years experience in the field of Town Planning under a qualified Town Planner.

(ii) Hindi/Sanskrit upto Matric Standard.

It is the case of counsel for the petitioners that the petitioners had applied on 11.01.2016 and have been duly issued the admit card but the process was delayed in as much as the syllabus was finalized only on 04.04.2016 (Annexure P-5) and the information regarding that the written test would consist of 100 MCQs was finalized similarly on 16.01.2017 (Annexure P-6). The break up of the 22 posts in the subsequent advertisement was only given on 27.03.2017 (Annexure P-7) and the written test is now slated for 14/15.10.2017. It is the case of the petitioners that they have now gained the essential qualification in the examination held in May, 2016 (Annexure P-4), the result of which was declared on 08.07.2016. Thus, the date should be extended on account of the delay which had occurred on behalf of the respondent-Commission.

The said argument cannot be accepted in as much as the petitioners were never eligible when the advertisement itself was issued and merely because they have applied, they have no such right to seek extension. If this is permitted, the process of selection can never come to an end as there would always be more candidates who become eligible over course of time and the date of eligibility would have to be extended on request received from all quarters. As noticeable, in the first advertisement itself, the cut off date was 07.07.2014. The petitioner had not applied for the said posts, who then on the same principle, can also say that for those 15

posts also, there should be extension. Resultantly, the sacrosanctity of the cut off date would be finished and, therefore, the argument which has now been raised that on account of delay in the selection process as such the petitioners' case should be considered cannot be accepted. There is only a right of consideration with the petitioners who were well aware of their ineligibility from the day one and, therefore, there is no legal right of appointment or as such to extend the date.

In such circumstances, there is no merit in the present writ petition and the same is dismissed in limine.

07.10.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No