

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

**Civil Writ Petition No.23244 of 2017  
Decided on : 10.10.2017**

Sahil Punia

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Sanchit Punia, Advocate  
for the petitioner.

**G.S. Sandhawalia, J. (Oral)**

The petitioner seeks quashing of the announcement dated 20.09.2017 (Annexure P-3), whereby the screening test is to be held for the post of Assistant Town Planner in Town and Country Planning Department, Haryana regarding Advertisement No.3/2014 and Advertisement No.7/2015, Annexures P-1 and P-2, respectively.

The sole argument which has been raised by the petitioner is that by virtue of the said advertisements 15 and 22 posts are to be filled up and the respondent-Commission has taken considerable period in filling up the said posts. Therefore the petitioner has approached as all sanctioned posts would be filled up and his right of consideration has been violated, since he has qualified as per the essential qualifications vide Result Card dated 17.07.2017 (Annexure P-4).

Admittedly, various cut-off-dates were provided for the two advertisements. The first cut-off-date was 07.07.2014 and second cut-off-date was 18.01.2016. The petitioner had never qualified at that stage and has qualified on a subsequent date.

It is to be noticed that the process of recruitment in the second advertisement regarding the syllabus was finalized only on 04.10.2016 and the fact that written test would consist of 100 MCQs was finalized on 16.01.2017. The break-up of the 22 posts in the subsequent advertisement was given on 22.03.2017 and resultantly the test has now been slated for October. Merely because the selection process has taken time for finalization, does not give the petitioner any vested right and his right is only for consideration provided that he fulfills the essential qualifications as per the cut-off-date.

The sacrosanctity of the cut-off-date is well recognized and the argument which has now been raised would lead to no process of recruitment being finalized, as more and more candidates would keep on becoming eligible every passing day having obtained the essential qualifications and therefore the argument as such cannot be accepted.

In similar circumstances, in **CWP No.22978 of 2017 'Mandeep Kumar Gulia and others Vs. Haryana Public Service Commission and another'** pertaining to the same set of advertisements, this Court had dismissed the writ petition on 07.10.2017, wherein the issue was of the cut-off-date of the second advertisement and the candidates had applied despite not having the essential qualifications. This Court had rejected the said argument by holding as under:-

*“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 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.”*

The same principle would apply to the present case also.

Reference to the Division Bench judgment in '**Dr. Rajdeep Kaur Vs. State of Punjab and others'** 2002 (4) SCT 722 would be of no avail, since in the said case also 18 posts of the Medical Officers had been withdrawn from the purview of the Public Service Commission and the State was seeking regularization of the Medical Officers working on ad hoc basis. The Division Bench went on to hold that though the right of eligible persons should not be as such compromised, but keeping in view the fact that regularization was recommended against the said posts, but it did not interfere in the process also of withdrawal of the said posts for the purpose of recruitment. Therefore, judgment would be of no help to the petitioner.

Similarly, reliance upon pendency of **CWP No.22061 of 2017 'Harmeet Singh Vs. Haryana Public Service Commission and others'** in which notice of motion was issued on 26.09.2017 would also be of no avail, since it is only an interim order and it is settled principle that interim orders do not have any binding precedent.

Accordingly, there is no merit in the present writ petition and the same is dismissed in limine.

**OCTOBER 10, 2017**

*Naveen*

**(G.S. SANDHAWALIA)  
JUDGE**

*Whether speaking/reasoned:*

*Yes/No*

*Whether Reportable:*

*Yes/No*