

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

CWP No.27392 of 2017

Date of Decision: December 13, 2017

Shubhita Kumari and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. R.S. Panghal, Advocate, for the petitioners.

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioners submits that the action of the respondent State in cancelling the entire selection process for appointment of Staff Nurses in the B.P.S. Government Medical College for Women, Khanpur Kalan, Sonapat, Haryana, vide the decision Annexure P-5, dated 24.10.2007, is wholly arbitrary, with no efforts having been made by the Government to actually segregate the cases of those selected, against whom there was no material to show that any irregularity had been committed either by them or any of the members of the selection committee qua their selection.

He relies upon a judgment of the Supreme Court in Joginder Pal and others v. State of Punjab and others, (2014) 6 SCC 644, to submit that even in a selection process for appointment to the Punjab Civil Service, it had been held by their Lordships, that the “grain should have been separated from the chaff”, and therefore, that exercise should have been gone through by the respondent State in the present selection also.

Having heard learned counsel for the petitioners, it is first to be noticed that the said selection process was challenged before this Court on grounds of large scale irregularities in such process, by way of about 6 writ petitions, all of which were disposed of by this Court on 31.10.2017 (the lead case being CWP no.19063 of 2017, Meena Devi and others v. State of Haryana and others). A copy of that order has been annexed with this petition as Annexure P-6.

A perusal thereof shows that upon the State Government having taken a decision to get the entire matter inquired into by the Department of Vigilance, and in view of the large scale irregularities alleged, also to scrap the entire selection process itself, and in fact issue a fresh advertisement for appointment to the posts in question, this Court had observed that there was no reason for interference by the Court in the decision of the State Government in referring the matter to the Department of Vigilance, for an inquiry into whether there were any mala fides/extraneous consideration involved in selecting the candidates who had been selected.

It had also been observed eventually in that order, that if the Department of Vigilance or any agency to which the matter was referred by the State Government, finds that actually there was no 'bungling' or mala fide, in the selection process, it would be open to the Government to revive the selection process by giving detailed reasons in any order of such revival, which of course would be subject to judicial scrutiny if brought before the Court.

Upon the present petition being argued in Court today by learned counsel for the petitioner, Mr. R.K. Doon, learned Assistant Advocate General, Haryana, who had appeared for the State in those matters also, has further rightly brought to the notice of this Court that in fact a vigilance enquiry has been initiated against the members of the selection committee also.

That being so, and this Court in any case having observed in the aforesaid order dated 31.10.2017 passed in CWP no.19063 of 2017 and connected matters, that if eventually the Department of Vigilance/investigating agency finds that there was no bungling and mala fides, it would be open to the State Government to revive the selection process by passing a detailed speaking order, giving detailed reasons for revival, this petition cannot be entertained, and consequently is dismissed.

Learned counsel for the petitioner at this stage further submits that the Vigilance Department is actually sitting over the matter.

Without making any comment on that contention, however, the careers of many candidates being at stake, it is directed that the enquiry be expedited and preferably be concluded within 4 months from today.

December 13, 2017
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(Amol Rattan Singh)
Judge

Whether speaking/reasoned:	Yes
Whether reportable:	Yes