

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

CWP No.9553 of 2016
Date of Decision:-01.03.2017.

Amit Kumar and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

(2.)

CWP No.10837 of 2016

Yogesh Kumar and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

(3.)

CWP No.10863 of 2016

Himanshu Gupta and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

(4.)

CWP No.10665 of 2016

Mandeep Boora and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr.Naveen Singh Panwar, Advocate for the petitioners in
CWP No.9553 of 2016.

Mr. Madan Pal, Advocate for the petitioners in
CWP No.10665 of 2016.

Mr. Sushil Gautam, DAG, Haryana.

Mr. Chetan Mittal, Senior Advocate with
Mr. Deepak Sabharwal, Advocate and
Mr. Udit Garg, Advocate for the respondents-UHBVNL and
DHBVNL.

Mr. Jangjit Singh Dahiya, Advocate for
respondent No.7 in CWP No.9553 of 2016.

P.B. BAJANTHRI, J. (Oral)

- 1.) By this order CWP Nos.9553, 10837, 10863 and 10665 of 2016 shall be disposed of as the point in issue involved in all these writ petitions is similar. For brevity, facts are being extracted from CWP No.9553 of 2016.
- 2.) In the instant writ petition, the petitioners have questioned the validity of the corrigendum dated 26.1.2016 vide Annexure P-3 and further sought for a direction to the respondents to consider their candidature for the post of Assistant Engineer (Mechanical) and permit them to appear for written examination and further selection process. By virtue of interim order, the petitioners were permitted to appear in the process of selection to the post of Assistant Engineer (Mechanical).
- 3.) The official respondents have notified applications from the eligible candidates for various posts. Among them Assistant Engineer (Mechanical) is one of the post. While advertising the posts, the selection process in particular for the purpose of permitting the candidates to write the written examination following method of selection process was introduced:-

*“6. Candidates will be short-listed for personal
interview in 1:2 ratio for each category of post as per merit*

order of written test marks. The Interview shall not have any Qualifying marks.”

4.) After the advertisement, the respondents-selecting authority received large number of applications for the post of Assistant Engineer (Mechanical). Consequently, they were compelled to shortlist the candidates for selection. Hence, they issued a corrigendum to the advertisement on 26.1.2016 vide Annexure P-3 while incorporating the following process of selection and for information to the candidates:-

“a) The list of the candidates eligible for appearing in the Written Examination would be prepared purely on the basis of the marks obtained by the candidates in the qualifying examination as indicated in the earlier advertisement. The candidates numbering 20 times the post of particular category would only be eligible for Written Test.”

5.) In the corrigendum they have prescribed that for the purpose of eligibility for written test, the candidates numbering 20 times the post of a particular category would be taken into consideration and further applications were invited and last date for submission of application prescribed as 20.2.2016. The selecting authority-respondents received 37890 applications pursuant to the advertisement dated 14.7.2015 and 9790 applications pursuant to the corrigendum issued on 26.1.2016. Having regard to the cumbersome process of selection to the post of Assistant Engineer (Mechanical) with reference to large number of applicants, the selecting authority while invoking clause 33 to the advertisement proceeded to issue corrigendum and shortlisted the candidates for process of selection to the post of Assistant Engineer (Mechanical). The petitioners were

interim order they have not been allowed to participate. In the present petition, the petitioners' challenge is to the corrigendum Annexure P-3. The petitioners' contention is that due to shortlisting of candidates their candidature would not be considered and issuance of corrigendum is illegal.

6.) On the other hand, learned counsel for the respondents vehemently submitted that having regard to receipt of large number of applications for the post of Assistant Engineer (Mechanical) respondents were compelled to follow the shortlisting method. Therefore, corrigendum has been issued. During pendency of this litigation except 12 petitioners, rest of them have participated in the process of selection and they are not eligible for the post. The remaining 12 petitioners are even though eligible but subject to result of this petition. The petitioners have not made out a case so as to interfere with corrigendum vide Annexure P-3 as their rights have not been affected in any manner so also there is no violation of Article 14 or 16 so as to set aside the corrigendum dated 26.1.2016. The Supreme Court in the case of Union of India Vs. T. Sundararaman 1997 (4) SCC 664 held that selecting authority is permitted to resort to shortlisting method. Hence, the petitioners have not made out a case so as to interfere with the corrigendum dated 26.1.2016 (Annexure P-3).

7.) Petitions stand dismissed.

(P.B. BAJANTHRI)
JUDGE

March 01, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.