

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

CWP No. 5615 of 2017

Date of decision: 20.03.2017

Gagandeep Singh Dhillon

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Joginder Pal Ratra, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

1. The petitioner herein participated in the Punjab State Teachers Eligibility Test (hereinafter referred to as 'PSTET') held on 03.07.2011. The Education Department, Punjab issued an advertisement in May, 2011 for appointment of 3442 posts of Masters/ Mistresses on contract and last date for submission of forms was 30.05.2011. One of the conditions for appointment was that the candidates were required to pass the 'PSTET' test to be held on 03.07.2011. The petitioner appeared in 'PSTET' examination but did not get the requisite marks and on account of his failure he was not considered for the post of Math Master. As there were many wrong questions in the 'PSTET' examination, the petitioner approached this Court seeking grace marks for the wrong questions and the writ petition was allowed granting the petitioner four marks and he was declared pass. State of Punjab went in LPA against the orders of the Single Bench granting grace marks and during the pendency of the LPA an Expert Committee was constituted, comprised of four members, to examine the aforesaid questions

and the Expert Committee arrived at a conclusion that four grace marks to the candidates ought to be given who have attempted those four questions. On the basis of the additional marks, the petitioner then represented by legal notice requesting for a pass certificate to be issued to him. The petitioner thereafter represented to the department seeking appointment pursuant to the advertisement that was issued in May, 2011.

2. Learned counsel for the petitioner contends that the claim of the petitioner for appointment as Math Master pursuant to the advertisement issued in May, 2011 has wrongly been denied. It is contended that the respondents have not taken into consideration the fact that the pass certificate has been issued to the petitioner only in February, 2016 and that too by the orders of this Court and, therefore, since he had applied pursuant to the recruitment process of 2011 he should be given appointment thereunder.

3. I have heard learned counsel for the petitioner and with his assistance has also gone through the record of the case.

4. The advertisement that was issued in May, 2011 inviting applications for appointment on the posts of Masters/ Mistresses had a clause that the candidate must possess 'PSTET' certificate as on that date. Admittedly, the petitioner on that relevant date did not have that certificate and appeared in the examination that was held subsequently. It is not in dispute that the selection process has been completed in November, 2012. As per the reply to the legal notice, the Committee prepared the final select list and wait list in the month of November 2011 and selected candidates had been issued appointment letters in December 2012 and the wait list was

scrapped on 28.09.2013 as the department issued another advertisement on 09.09.2012 for filling up 5178 posts of Teachers in Masters cadre in various subjects. The recruitment process regarding 5178 posts are already over and appointment letters have already been issued to the selected candidates. As has been held in the case of ***Loveleen Kaur vs. State of Punjab and others, LPA No. 1781 of 2014*** decided on 03.11.2014, a selection process cannot be kept pending till eternity so as to confer right on the applicants for appointment.

5. Once the decision has been taken by the Government to scrap the wait list and had already issued fresh advertisement, the petitioner would not be entitled to claim any appointment under the recruitment process that was issued in May 2011. Once the selection process stands concluded, no orders for appointment can be passed. Therefore, the writ petition is dismissed being devoid of any merit.

20.03.2017

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.