

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

**CWP No. 5657 of 2017
Date of Decision: 20.03.2017**

Mandeep Kaur

...Petitioner

Versus

State of Punjab & Another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ramandeep, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The petitioner herein is aggrieved against the issuance of the advertisement No. IT/Recruitment/2016 (Annexure P-12) issued by respondent No. 2 qua two posts of Cutting and Tailoring Instructor (BC Category).

It is contended that the petitioner, who had applied for appointment to the post of Cutting and Tailoring Instructor in BC Category under advertisement dated 02.03.2013, was placed in waiting list. However, without completing the selection under the said advertisement, a fresh advertisement in 2016 has been issued and the same is liable to be set aside in view of the fact that the petitioner was fully eligible for selection under the advertisement issued in 2013.

I have heard learned counsel for the petitioner and on going through the paper book, I am not inclined to grant the relief as sought. The petitioner who had applied for appointment pursuant to the advertisement issued on 02.03.2013 did not find her name in the merit list that was

prepared. Three times number of candidates for 06 posts of Cutting and Tailoring Instructor under the Backward Class category were called for interview to be held on 14.07.2013. 06 (six) candidates were selected for the said post, however, the candidates mentioned at Sr. No. 1 and 2 in the BC category were also selected in the General Category and appointment letters were issued to 04 candidates from the BC category. The second counselling was called to fill up the 02 vacant posts in the BC category and the interviews were held on 12.06.2015. A list of 18 candidates of BC category were called and the name of the petitioner was reflected at Sr. No. 9 of the said list. Since the result was not declared, the petitioner filed a writ petition bearing CWP No. 18029 of 2015 seeking declaration of the result. During the pendency of the writ petition, a written statement was filed bringing it to the knowledge of the Court that Government of Punjab in larger public interest had taken a decision on 19.08.2015 to fill up the remaining vacant posts by a fresh advertisement so that other meritorious candidates could apply as well. The writ petition was dismissed by holding that the petitioner was not one of the candidates falling within three times merit of the advertised posts and by holding that the apprehension of the petitioner that respondent-Department is filling up the posts by proposing to call candidates who are ineligible is ill founded.

By the instant writ petition, the petitioner is seeking to challenge the second advertisement on the ground that the first selection process has not been completed and there are still two vacant posts available. This argument is without any merit. In the first writ petition, it was noted that the petitioner was at Sr. No. 9 in the second list of counselling to fill up 02 vacant posts while noting that there was nothing on

record to show that respondents had appointed anyone having lower merit than the petitioner. Once the claim of the petitioner for declaration of the result and appointment stood negated and crystalized in CWP No. 18029 of 2015, she would have no right to challenge the fresh advertisement that has been issued. At best, the petitioner is entitled to consideration for appointment in the new advertisement that has been issued in case she has applied pursuant thereto.

In view of the fact that a policy decision was taken to advertise the posts afresh seeking meritorious candidates, there is no infirmity in the said order, hence, no interference of this Court is called for.

Accordingly, the instant writ petition is dismissed.

March 20, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No