

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7939 of 2017

Date of decision:14.07.2017

Virender Kumar

....Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Naveen Sharma, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner challenges the order dated 14.12.2015 (Annexure P-1) whereby he seeks appointment on the post of Headmaster against advertisement No.9/2006. Perusal of the said order would go on to show that the petitioner had secured 247 marks in the written test and the interview was held by the respondent-Commission. The last candidate selected in the Backward Class Category had secured 248 marks and no candidate who had secured 247 marks had been selected out of the 27 candidates. It has been further mentioned that no waiting list was made while making the selection and therefore, there was no merit in the representation made and the same was rejected, vide the impugned order. It was also mentioned that on an earlier occasion, the petitioner had approached this Court in CWP-23365-2013, claiming appointment, which was dismissed on 29.09.2014 and LPA-647-2015 had been withdrawn, with liberty to approach the administrative authorities. Resultantly, the impugned order has been passed.

A perusal of the earlier order passed by the Ld. Single Judge would go on to show that the Court had gone on to hold that the appointment letters were issued in the year 2007 and the petition had been filed in the year 2013 and even if the petitioner was claiming that he was at No.1 in the waiting list, the petition was liable to be dismissed on the ground of delay and laches. The contention that the petitioner that he only came to know about joining of number of candidates in the year 2012 also was held not to be a ground to condone the delay. As noticed, the appeal filed has also been withdrawn. The authorities have, accordingly, passed the impugned order.

It is settled principle that the selection process must come to an end and it cannot be kept open forever. Reliance can be placed upon the

observations of the Division Bench in LPA-1781-2014 titled *Loveleen Kaur Vs. The State of Punjab & others*, decided on 03.11.2014, wherein it has been specifically held that the selection process has to come to an end and it cannot carry on forever to confer a right upon the applicant for a right of appointment. Relevant portion reads as under:

“We do not find that any such direction can be given. The publication to conduct counseling was done through a public notice. The second counseling was conducted in the year 2011 i.e. more than 3 years earlier. The selection process once concluded, cannot be kept pending till eternity so as to confer right on the applicants for appointment. However, as and when any fresh advertisement seeking appointment is issued, it shall be open to the appellant to apply in accordance with law.

We do not find any merit in the appeal and the same is hereby dismissed.”

For the fresh vacancies, the authorities have to advertise afresh and give other persons opportunity. The petitioner has no such vested right to claim appointment and was entitled for consideration and especially keeping in view the fact that the case of the petitioner was dismissed on an earlier occasion, the petitioner cannot be granted liberty for a second round of litigation, on the same cause of action.

Accordingly, finding no merit in the present writ petition, the same is, hereby, dismissed in limine.

14.07.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No