

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.938 of 2016 (O&M)
Date of Decision: March 22, 2017

Gagandeep SinghAppellant
versus
The State of Punjab and othersRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Mr.Girish Agnihotri, Senior Advocate with
Mr.Ishaan Bhardwaj, Advocate, for the appellant.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.

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Surya Kant, J. (Oral)

The issue which falls for consideration in this appeal is whether the appellant is entitled to be appointed on the post of District Programme Officer in the Department of Social Welfare, Punjab, being the next candidate in the selection list?

[2] The facts are not in dispute. The appellant and one Gurpreet Singh both competed for the post in question in response to an advertisement issued by Punjab Public Service Commission. The appellant as well as Gurpreet Singh both belong to reserved category of Balmiki/Majbhi Sikh. There was only one post reserved for such category.

[3] While Gurpreet Singh was placed at No.1 in the merit list, the appellant claims himself as the immediate next candidate in the waiting list.

[4] It is an admitted fact that Gurpreet Singh was offered appointment and he joined on 12.10.2012. Subsequently, Gurpreet Singh was selected as Deputy Superintendent of Police in Punjab Police and he resigned from the post of District Programme Officer on 25.04.2014.

[5] The appellant claims that he should be offered appointment

against the resultant vacancy caused on the resignation of Gurpreet Singh as

he is the next candidate in order of merit.

[6] Learned counsel for the appellant reiterates that since vacancy has become available, the appellant is entitled to appointment.

[7] On the other hand, learned State counsel, on instructions, informs that there is one more candidate namely, Manjinder Singh who is higher in merit than the appellant in the reserved category of Balmiki/Majbhi Sikh. He further contends that once the post was filled up, the selection list stood exhausted and subsequent resignation by the appointee amounts to occurrence of new vacancy which has to be advertised afresh. The advertisement for filling up such post has in fact been issued by the Punjab Public Service Commission and the last date for submission of applications was 28.10.2016.

[8] Having heard learned counsel for the parties, we do not find any merit in this appeal. Once the selection list stood exhausted and the single reserved post was filled up, waiting list in which the appellant is stated to be at No.2, out-lived its utility. Resignation by the candidate at Sr.No.1 in the merit list, after a period of 1½ year would not revive the selection list.

No case to issue a writ of mandamus to appoint the appellant against that vacancy is made out.

Dismissed.

[SURYA KANT]
JUDGE

March 22, 2017
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[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned
Whether Reportable

: **Yes/No**
: **Yes/No**