

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-143-2017 (O&M)

Date of Decision: January 31, 2017

Archana and others

.....Appellants

Versus

State of Punjab and another

.....Respondents

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

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Vikas Singh, Advocate
for the appellants.

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SURYA KANT, J.

This Letters Patent Appeal assails the order dated 23.12.2016 vide which the learned Single Judge has dismissed the appellants' writ petition.

[2] The grievance of the appellants in the writ petition was that selection process for recruitment to the posts of Lecturer in Physical Education, in which they had participated, was almost over and only result was left to be declared, but at that final stage, the selection process was abruptly cancelled. They sought a direction to the Department to declare the result and finalise the selection.

[3] Learned Single Judge has declined to interfere with the action of the Department as in another case, namely, LPA No.1194 of 2015

(Kushaljit Singh and others vs The state of Punjab and others) decided on October 06, 2016, this Court had observed that the Department was responsible for creating an anomalous situation which was likely to invite spate of litigation, for the reason that the original advertisement was issued in the year 2011 with cut-off date as 30.05.2011 and again a fresh advertisement was issued in the year 2014 but without changing the 'cut-off' date. This Court thus observed that the authorities must revisit the whole issue and take a fresh decision.

[4] It appears that even before those observations, the authorities realised their mistake and cancelled the selection process by taking a conscious decision that fresh advertisement will be issued by including the posts which would fall vacant upto 31.03.2017.

[5] As regard to the candidates who have applied in response to the previous advertisement, the Government has clearly decided that they shall be given relaxation in age and exempted from applying afresh. This would sufficiently protect the interest of the appellants.

[6] It is in this backdrop that the learned Single Judge has dismissed the appellants' claim.

[7] Having heard learned counsel for the appellants, we are of the view that no indefeasible right was created in favour of the appellants merely because they had applied or participated in the selection process. No such right enforceable through the Court of law has accrued as neither the selection was finalised nor the appellants were offered appointment. Since there was a patent error in the procedure adopted by the authorities which

whole issue and rectified the error. Such an exercise does not call for any interference by this Court.

[8] Dismissed.

**(SURYA KANT)
JUDGE**

January 31, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

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|---|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |