

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

122

CWP No.15785 of 2018

Date of Decision:03.07.2018

Poonam Rani

....petitioner

Versus

State of Haryana and another

.....respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.S.K.Malik, Advocate
for the petitioner

RAJIV NARAIN RAINA, J. (ORAL):

Petitioner applied for the post of Staff Nurse in the OSP (General) category against advertisement No.1 of 2015. In the category of OSP (General) 9 vacancies were advertised. In the result of selection, the petitioner's name figured in the waiting list. Two roll nos. were shown in the waiting list of OSP (General) category, one of the petitioner and the other of a candidate bearing roll No.15104318. As per the detailed list of candidates short listed by the Haryana Staff Selection Commission, the petitioner has secured 58 marks as against the other candidate Gayatri who has secured 45. As a result, it is urged that the petitioner is at No.1 in the waiting list. It transpires that one of the selected candidates, namely, Ms.Pooja d/o Surender had informed the Director, Health Services, Haryana, that she would not like to take up the assignment since she is already working as staff nurse in PGI Rohtak. She has written that she would have no objection or grievance, if anyone is appointed on the post falling vacant because of her non-joining. The petitioner has brought these facts to the notice of the Director, Health Services, Haryana staking claim to

appointment from the wait list, especially when a wait list was prepared and maintained in the final result dated 31.01.2018 and recommendations forwarded to the State Government.

Notice of motion.

Mr.Harish Rathee, Senior DAG Haryana, accepts notice on behalf of the State and the Haryana Staff Selection Commission. A copy of the petition has been supplied to him in Court. It would not be necessary to invite written statement in this case as it would only prolong the matter for no useful purpose. It would I think serve the ends of justice if a direction is issued to the State of Haryana and the Department of Health, Haryana, that if a post has remained vacant because of non-joining of Ms.Pooja, then as per merit the name of the petitioner can be considered for appointment from the waiting list. Accordingly, this petition is disposed of with a direction to the State to consider the case of the petitioner in terms of her merit and position in the waiting list and if she satisfies all the other requirements as per rules, then she may be offered appointment, strictly in terms of her merit, within a period of one month from receipt of the present orders.

03.07.2018

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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned Yes

Whether reportable- No