

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.1895 of 2017(O&M)

Date of Decision:-08.02.2018

Satvir Singh & Ors.

.....**Petitioners.**

Versus

State of Punjab & Ors.

.....**Respondents.**

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Swaran Tiwana, Advocate for Petitioners.

JASWANT SINGH, J.

Four petitioners, namely, Satvir Singh (SC Category), Ashutosh Salwahan (General Category), Ravi Kumar (SC Category) and Ramandeep Singh (General Category), who have remained unsuccessful in the recruitment process for the post of Firemen held on 5.9.2013, are before this Court aggrieved of the final result dated 5.2.2015 (Annexure P-3) declared for the aforesaid post, on the ground that while making the recruitment, roster register has not been followed. Further, they have also sought the quashing of speaking order dated Nil whereby the representation of the petitioners has been declined pursuant to the order passed by this Court in CWP No.15140 of 2015.

Learned Counsel for the petitioners has argued that the respondent department has made recruitment without following the

Rules and Regulations and also without following the roster point register maintained by the department itself and, therefore, has wrongly declined the appointment to the petitioners as proper procedure has not been followed. It has been argued that this fact is substantiated from the order passed by the Deputy Commissioner, Fatehgarh Sahib whereby he has himself mentioned that the roster points at Sr. No.7 & 15 have not been followed and this fact stands corroborated by the inquiry conducted by the Additional Deputy Commissioner, Fatehgarh Sahib dated 09.09.2016 (Annexure P-9). Thus prayer has been made for setting aside the result dated 5.2.2015 (Annexure P-3) and conduct fresh recruitment process by following the roster point register.

After hearing learned Counsel for the petitioners and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and deserves to be dismissed.

It is apparent from the record that advertisement Annexure P-1 was issued prior to 24.09.2013 by the Nagar Council Sirhind, Fatehgarh Sahib for the aforementioned posts in the respondent no.3-Department. The result was declared on 5.2.2015 and the petitioners, who have admittedly participated in the selection process, had for the first time raised a grouse with regard to the appointments being made/the advertisement being erroneous, by not following the roster register/wrong register point have been given to the reserved categories on 24.6.2015 (P-6). It is further apparent from the record that vide order dated 26.5.2017 passed by this court, counsel for the petitioner was directed to file an affidavit and if possible any representation

which the petitioners had submitted prior to the advertisement and selection. Pursuant to the said order, an affidavit dated 13.7.2017 was filed as Annexure A-1 by Satvir Singh-petitioner no.1 which reveals that except for mere oral assertions, there is nothing substantial/concrete with solid proof to show that the petitioners had represented to the Appointing Authority regarding the said advertisement immediately upon its issuance. In such a situation, it is the opinion of this Court that petitioners are estopped by their own Act and Conduct to challenge the advertisement, at this stage when they had participated in the entire selection process, however, when result did not favour them have come around to challenge the advertisement itself.

A perusal of the writ petition further reveals that in an inquiry conducted by the District Welfare Officer/Additional Deputy Commissioner (G) Fatehgarh Sahib, it was found that the sole problem with the select list relates to the deficiencies in respect of filling up of various roster points, however, the said roster points been filled up on contractual basis only through the present recruitment. Meaning thereby there is only an anomaly in the manner in which the posts were to be filled and there is no anomaly as far as the recruitment process is concerned.

Seen from another angle, the petitioners had approached the Court for quashing the advertisement after remaining unsuccessful in the recruitment process. However, had the petitioners been selected then there would have been no grievance on their behalf and it is highly

doubtful that they would have raised any grievance. Consequently, it is too late in the day for the petitioners to seek quashing of the advertisement and turn the clock back.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

February 08, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>