

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 30.04.2018****CWP No.6010 of 2015**

Rajesh Kumar

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sansar Kundu, Advocate, for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

The entire case of the petitioner is that one Shishpal, who was appointed as a Driver in the same selection process, had resigned a few months after joining service. The letter of resignation dated 20.08.2014 was accepted by the authority on 25.08.2014. This writ petition has been brought in the year 2015 claiming appointment from the waiting list in which the name of the petitioner figures. The petitioner made a representation to the authorities in view of resignation of Shishpal claiming that he should be offered appointment in place of Shishpal.

There are two insuperable impediments in the way of the petitioner to seek relief. One is that the life of the waiting list had expired, as the date of recommendation was 16.01.2014. The other reason is based on the settled law that once a post has been consumed by appointment and is vacated by resignation etc., then that vacancy has to be thrown open to competition in the next recruitment process because the vacancy stands consummated. A wait-list candidate has no legitimate claim to a vacancy

arising on resignation as a matter of right and neither is there a corresponding duty or obligation on the employer to offer appointment. The rule is well embedded in law. *See: Madan Lal & others Vs. State of J & K & others, (1995) 3 SCC 486* and the principle reiterated in *Raj Rishi Mehra & others Vs. State of Punjab & another, (2013) 12 SCC 243* and many other precedents in between which need hardly any mention only to burden the order.

Consequently, this petition is found totally devoid of merit and is accordingly dismissed.

30.04.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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