

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP No. 25079 of 2018

Date of decision : September 28, 2018

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Manish and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. S.K Nehra, Advocate for the petitioners.

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RITU BAHRI, J.

By way of the present writ petition, the petitioners are seeking writ of certiorari quashing the advertisement no.4 of 2015 (Annexure P-1) issued by the Haryana Public Service Commission on 17.11.2015, as considerable delay has occurred in the recruitment process and in the meantime, the petitioners have become eligible to compete for the posts of Assistant Executive Engineer (Civil). A further prayer has been made to issue a fresh advertisement for the posts of Assistant Executive Engineer (Civil) so that the petitioners are able to participate for the selection of above said posts.

Vide an advertisement No.4 of 2015 issued by the Haryana

Public Service Commission on 17.11.2015 (Annexure P-1), 16 posts of Assistant Executive Engineer (Civil) and 1 post of Assistant Executive Engineer (Mechanical) was advertised for the Public Health Engineering Department, Haryana. It was mentioned in the advertisement that the candidate should ensure that the hard copy of their online application form along with all photocopies of certificates and two passport size photographs must reach Commission's Office on or before the closing date i.e 4.1.2016. Vide announcement made dated 21.9.2018 (Annexure P-3) candidates were called for appearing in the main written/competitive examination held from 12.10.2018 to 14.10.2018, in which 18 candidates appeared. By way of the present petition, the petitioner is seeking that a fresh advertisement be issued in view of the observation made by a Division Bench of this Court in LPA No.362 of 2018 (Haryana Staff Selection Commission vs. Priyanka and others) decided on 10.8.2018.

Heard counsel for the parties. The judgment referred to by the petitioner in *LPA No.362 of 2018* titled, '*Haryana Staff Selection Commission vs. Priyanka and others*' will not be of any help to the petitioner. A perusal of the judgment shows that in that case, the Division was considering a case of the candidates whose results of the examination were declared after the cut off date fixed for receipt of online application forms for selection to the posts of Post Graduate Teachers in different disciplines. In that backdrop, a direction was given by this Court to the Haryana Staff Selection Commission as well as State of Haryana that for future they should consider the recommendations of this Court that the

eligibility of educational qualification should be considered at the time of screening or interview so that the candidates whose results are declared late do not suffer and lose the chance to compete for the said post and possible selection. In this case, the Division Bench was not considering the case of delayed recruitment.

Similarly, another judgment referred by the counsel for the petitioner, passed by Hon'ble the Supreme Court in the case of ***Chandgi Ram vs. University of Rajasthan 2001 (10) SCC 556*** is based on different set of facts. In that case the appellant was appointed initially for a period of three months as Director, Students' Advisory Bureau and Programme Officer. However, on 6.6.1997, the respondent terminated the services of the appellant on the ground that his appointment was on ad hoc basis which could be only be for a short period. Petitioner challenged his termination before the High Court. During pendency of this matter before the High Court, the University Authorities initiated proceedings to fill up this post by advertising for its selection. This writ petition was dismissed by the High Court. On appeal, Hon'ble the Supreme Court gave a direction to the University to hold the interview for the posts already advertised and appellant was held entitled to participate in the selection process. A further direction was given that a fresh advertisement be issued to make other eligible candidates to apply for the same post. During this interregnum, the University will take expeditiously all proceedings for the due Constitution of the Selection committee including obtaining nominations from the State Government, if any required. Even this judgment cannot be of any help to

the petitioner as in that case selection had to be made on the post of Director, Students' Advisory Bureau and Programme Officer. On 6.6.1997, the services of Chandgi Ram was terminated. The matter came before Hon'ble the Supreme Court in 2001. The selection process had been completed which had taken almost 4 years. Contention of the University was that delay in filling up vacancy occurred as it could not fill up the vacancy without the permission of the State Government. Hence, in this backdrop, direction was given to University to hold the interview for the posts already advertised in accordance with law by fixing date of interview. Further direction was given to give opportunity to fresh candidates who had, in the meantime, become eligible by issuing fresh advertisement. However, in the facts of the present case, there is no delay in issuing the advertisement.

In view of all that has been discussed above, no ground is made out to accept the present petition. The same is hereby, dismissed.

September 28, 2018
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(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No