

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

CWP-90-2015 (O&M)
Date of decision : 02.07.2018

Harvinder Singh and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Dheeraj Mahajan, Advocate for the petitioners.

Ms. Ishneet Kaur, AAG, Punjab.

Mr. Vipin Mahajan, Advocate for respondent Nos.3 to 5.

JITENDRA CHAUHAN, J.

The petitioners seek appointment to the post of Assistant Professor, having applied for the same in pursuance of advertisement dated 04.12.2014 (Annexure P-1).

It is contended that sixteen posts of Assistant Professor in Computer Science and Engineering were advertised. After the written test, fourteen candidates were called for the interview, however, only seven candidates have been finally selected. The grouse of the petitioners is that despite having been called for the interview and seven posts lying vacant, they ought to have been given appointments. It is next contended that the petitioners have not been awarded correct marks for publication of research papers.

On the other hand, learned counsel appearing on behalf of respondent Nos.3 to 5 contends that no candidate having lower in merit than

the petitioners has been appointed. The petitioners, though interviewed, were not found suitable. The respondents were well within their rights to fill seven vacancies instead of filling all the published vacancies.

Heard.

As far as the contention with regard to non-filling up of all the vacancies is concerned, by now, it is well settled that merely being eligible and taking part in the selection process for a job position does not confer any right in a candidate for appointment/selection. There is no dispute with regard to the fact that the petitioners were eligible for the post in question and their participation in the selection process, however, merely on the basis thereof, they cannot claim selection/appointment. Even the candidates who are selected and whose names find place in select list, do not get vested right to claim appointment based on the select list. Such view has been taken by Hon'ble the Supreme Court in ***State of A.P. and others Vs. D. Dastagiri and others, 2003(3) S.C.T. 599***, by holding thus:-

“.....Be that as it may, even if the selection process was complete and assuming that only select list was remained to be published, that does not advance the case of the respondents for the simple reason that even the candidates who are selected and whose names find place in the select list, do not get vested right to claim appointment based on the select list.....”

Similar view has been taken by Division Bench of this Court in

“Jatin Kumar and others Vs. State of Punjab and another, 2003(2) SLR

545”, wherein, it has been held as under:-

“2. The prayer made in this case is for a direction to the respondents to appoint the petitioners as they have been duly selected. It is settled proposition of law that mere selection does not give an indefeasible right for appointment. After selection process is complete, the authorities are at liberty not to make appointments. This Court while exercising jurisdiction under Articles 226/227 of the Constitution would not be justified in substituting its own opinion for that of the appointing authority. So long as the decision of the authorities is not actuated by malafide and/or arbitrary considerations, this Court would be slow and hesitant in giving directions for appointment. We find no merit in the present writ petition.”

Now this Court would deal with the second limb of the argument, i.e. the petitioners have not been awarded correct marks under the head 'Publications'. As per affidavit dated 21.09.2016, of respondent No.3, No candidate was given marks for publications in journals as all the journals were paid journals. Only marks ranging from 0.5 to 1.5 were awarded to the candidates for papers/publications in conferences. It is the case of the respondents that the journals in question charge publication fee and publish the papers without verifying/reviewing the contents thereof. It has also been stated that none of the journals claimed by the petitioner find mention in the list of approved journals released by the University Grants Commission.

In view of the above discussion, this Court is of the considered opinion that the instant petition is devoid of any merit and the same is, hereby, dismissed.

02.07.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No