

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

CWP No.29122 of 2018

Date of Decision:-19.11.2018

Ishandeep Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Satbir Singh Gill, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Three petitioners, namely, Ishandeep Singh, Aman Duddi and Avinash have passed and acquired the Degrees of Engineering in the Sessions 2016-17. They are praying for a Mandamus for considering the petitioners as eligible for applying to the post of Assistant Corporation Engineer (Civil), Assistant Municipal Engineer (Civil), Sub Divisional Engineer (Civil), Junior Engineer (Civil) O&M and Senior Assistant/Inspector as advertised vide advertisement no.DLG-RC-2017/16 dated 27.12.2017 (P-4).

Learned Counsel for the petitioners has argued that the action of the Department of Local Government, Punjab in denying the petitioners who are eligible for competing for appointment to the aforesaid posts is illegal and arbitrary. It is urged that the right of consideration as guaranteed

the selection to only those candidates, who had earlier applied in response to the advertisement/public notices issued in the year 2015 since the selection are now being conducted.

Having scrutinized the arguments of learned Counsel for the petitioners, this Court is of the opinion that the pleas raised are devoid of any merit.

It is not disputed that the respondent-Department had issued advertisement/public notice dated 01.07.2015 (P-2) & corrigendum dated 08.07.2015 for filling up various posts including the aforementioned posts for appointment in the Municipal Corporations, Municipal Councils etc. One of the essential qualifications for appointment to the aforesaid posts is a Degree in Engineering. The date of eligibility qua possessing of the essential qualification of Degree in Engineering was the last date for submission of the application forms i.e. 04.08.2015. The written test for selecting the candidates was conducted on 21 & 22.11.2015 through the Punjab University, Chandigarh and result was declared on 17.12.2015. Due to leakage of the question papers, uploaded selection list was cancelled and a public notice was issued on 28.11.2016 notifying the cancellation of the process. The decision to cancel the process was challenged before this Court in CWP No.14623 of 2016 titled as Harpreet Singh & Anr. Vs. State of Punjab and same along with a bunch of petitions was decided on 19.03.2018 by directing the State to re-conduct the examination for selection to the posts in questions including the aforesaid posts.

It transpires that that similar issue of cancellation of declaration of the result of the posts pursuant to the same advertisement was decided by this Court whereby they were directed to re-conduct the examination.

In the present case, the public notice P-4 specifies the schedule of re-examination for the 456 posts including the aforesaid posts restricting the candidates who had applied pursuant to the advertisement dated 01.07.2015 and supplemented by the corrigendum dated 08.07.2015 so as to complete the process which had been initiated in the year 2015. The date of eligibility for undertaking the re-examination is as specified in the original advertisement dated 01.07.2015 (**P-2**) would be 4th August 2015.

The petitioners admittedly were neither eligible for consideration due to lack of acquiring basic essential qualification of a Degree nor had applied pursuant to the said advertisement dated 01.07.2015 (**P-2**), therefore, they can claim no right for consideration for appointment against the posts advertised in the year 2015, when they had not even acquired the basic essential qualification. Thus, the action of the respondent-department cannot be faulted with in any manner.

Dismissed.

(JASWANT SINGH)
JUDGE

November 19, 2018

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