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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3494-2018 (O&M)
Date of decision-19.03.2018

Madhu Chopra

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Alka Chatrath, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

CM-4209-CWP-2018

Application is allowed as prayed for.

Annexures P-14 to P-16 are taken on record subject to all just exceptions.

CWP-3494-2018

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of certiorari for quashing the action of the respondents in not calling the petitioner, in spite of her higher merit at 185 for counselling against the posts of Maths Mistress and further to consider the claim of the petitioner for counselling for the post of Maths Mistress.

Contentends that the candidates lower in the merit to the petitioner subsequent to the counselling are being considered for appointment. It is

asserted that the authorities are bound to offer another chance to the petitioner under law. In support of her contention, she cites a judgment passed by Hon'ble the Supreme Court in "*Asha Vs. Pt.B.D.Sharma University of Health Sciences and others*" 2012 (3) S.C.T.457 and other judgments passed by this Court in CWP-3323-2014 titled as "*Ajay Chhabra Vs. State of Punjab and another*" decided on 30.05.2014, LPA No.1414-2016 titled as "*State of Punjab Vs. Rajneesh Kumar and another*" decided on 24.08.2016 and CWP-1949-2015 titled as "*Rajneesh Kumar Vs. State of Punjab and another*" decided on 14.03.2016.

I have heard learned counsel for the petitioner and have gone through the case file.

In the instant case, the respondents issued notice for public appointments on 20.11.2015 (Annexure P-2), seeking applications from eligible candidates for filling up of 1200 posts of Maths Master/Mistress. Vide another notice dated Nil (Annexure P-3), instructions and schedule were issued to the candidates regarding scrutiny of documents according to which, candidates from serial No.1 to 1250 (as per the list uploaded on the official website) were to appear on 20.09.2016, whereas, candidates from serial No.1251 to 2158 were to appear on 21.09.2016, along with necessary documents. After the first counselling, vide public notice dated 13.12.2016 (Annexure P-5), candidates from the first waiting list having cut-off merit upto 189, were called for second counselling on 14.12.2016, filling up of posts which were left vacant. Similarly, public notice dated 31.12.2016 (Annexure P-6) was issued calling upon the candidates with cut-off merit of

188 from the second waiting list to appear on 01.01.2017 for issuance of appointment letters.

Again vide public notice dated 31.08.2017, the candidates with cut-off merit upto 185 were called for offer of appointment and the petitioner's name appeared at serial No.61. However, the petitioner did not attend the counselling. Thereafter, vide public notice dated 12.01.2018, candidates were called from fourth waiting list with cut-off merit upto 180. The grouse of the petitioner is that despite having merit of 185, her name did not figure in the fourth waiting list. Post counselling, the petitioner addressed a communication/application dated 18.01.2018 (Annexure P-10) to respondent No.3-Director, Public Instructions (Sec.Educ), Punjab explaining the reasons that she could not come present in the third counselling on account of her illness and she be allowed to appear in the fourth counselling. Thereafter, she moved another application dated 07.02.2018 (Annexure P-13), stating different reasons for not being able to attend the third counselling. A perusal of the said application reveals that the petitioner was well aware of the dates of counselling. She chose not to attend the same, neither did she chose to seek exemption on the ground of illness. Moreover, the contradictory stand taken by the petitioner in her applications Annexure P-10 wherein she claims that she could not attend the counseling on account of her illness and Annexure P-13, wherein, she attributes her absence due to the illness of her husband and mother, appears to be an afterthought. Now, at this stage, she wants to avail another chance.

This Court feels that if some date has been earmarked, it has to

be respected, otherwise the selection process will never be completed and some kind of uncertainty shall always prevail over the selection process. Further, the respondents are not expected to wait for eternity. The advertisement is dated 20.11.2015 and almost three years have already gone by. Ultimately, a finality has to be accorded to the selection process.

The facts of the present case are distinguishable from the facts of the reported cases.

Consequently, the present writ petition sans merit, stands dismissed.

(JITENDRA CHAUHAN)
JUDGE

19.03.2018

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