

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 10.05.2018****CWP No.9780 of 2018**

Rajinder Kumar

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Munish Bhardwaj, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J.

The petitioner applied for the post of Clerk under the open merit General category responding to employment notice dated 31.08.2017 issued by the Society for Centralized Recruitment of Staff in Subordinate Courts, Punjab & Haryana High Court inviting on-line applications for filling up 350 posts of which 107 posts were earmarked for the General category. It was specifically provided in the employment notice that 'the number of vacancies may be increased or decreased without any notice depending upon the number of vacancies as on date of preparation of merit list & posting'. These advertised vacancies arose in different subordinate courts in the various Sessions Divisions in the State of Punjab. The final result was declared on 04.04.2018. The name of the petitioner does not figure in the final result. He has approached this Court complaining that the recruitment process may lead to filling up vacancies beyond the number advertised in the General category and that is not legally permissible.

In the central recruitment of Clerks in the Subordinate Courts in the State of Punjab conducted by the Society, there are many imponderables, which cannot be anticipated at the start of the selection process. Practical experience commends to the centralized agency that in an all-India recruitment process where the posts are open for all eligible candidates, the successful candidates may not join for want of preference of district; Courts can be withdrawn/created at any time depending on the administrative exigencies and many such factors which can be taken into account to satisfy the object of bringing in recruits to man posts and vacancies. Drawing a final list which is sufficient to bring regular hands at least equal to the advertised vacancies, anticipated vacancies, newly created vacancies etc. from the advertisement and posting orders are issued is not out of order. Direct recruitment processes takes time and effort. There can even arise a situation where there is a shortfall from the advertised vacancies. It is for this reason that the Note has been mentioned on the first page of the advertisement that 'the number of vacancies may be increased or decreased without any notice, depending upon the number of vacancies as on date of preparation of merit list & posting'. Therefore, the exercise must inevitably go on till the preparation of merit list and posting orders are issued. This is a matter which does not concern the petitioner having failed to make it on merit. He had a right of consideration, which has been given to him to compete for the post. It is for this reason that the advertisement prescribes a waiting list for a period of one year and to draw from that list so that judicial and administrative work does not suffer in the Subordinate Courts due to acute shortage of staff. There is a distinct possibility of candidates not joining the posts or not being found suitable on verification of their antecedents, validity

of their documents or on physical/medical examination. The contention of the petitioner that deviation from the advertised number can only be marginal is a shot in the dark. He has no *locus standi* on questioning filling of vacancies once he has failed to make it on merit. If his name figured in the selection list he would not have complained. The caution in law is only against wholesale departure, as was noticed by the Full Bench of this Court in Bijender Singh etc. Vs. State of Haryana etc., 1994 (3) PLR 1.

For the foregoing reason, I do not find any merit in the instant petition. The same is accordingly ordered to stand dismissed.

10.05.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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