

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

CWP-2340-2019

Date of decision : 05.02.2019

Sangam Kaushal and others

.....Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. C.S.Bakshi, Advocate for the petitioners.

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioners, who are three in number, seek a mandamus directing the respondents to appoint them to the posts of Fireman under Municipal Council, Dasuya.

Brief conceded factual premise is that a recruitment process had been initiated in the year 2016 advertising 14 posts of Fireman amongst other posts. Petitioners herein being eligible, have participated in the process of selection and even though their names did not figure in the final select list but they were kept in the waiting list at serial numbers 2, 3 and 4 respectively.

Counsel has apprised the Court that the candidate at serial No.1 in the waiting list has since been appointed as one of the selected candidates in the select list of 14 did not join.

The petitioners herein being next in order of merit are pressing

the prayer in the instant writ petition on the strength of two resolutions passed by the Municipal Council, Dasuya at Annexures P-5 and P-6 in pursuance to proceedings conducted on 05.04.2017.

Counsel would make an attempt to impress upon this Court that as per resolutions at Annexures P-5 and P-6 even though initially 14 posts of Fireman had been advertised but now the Municipal Council, Dasuya is having three Fire Brigade vehicles and as such for the three vehicles there is a need of 42 Firemen. It is sought to be contended that even though the 14 posts of Fireman advertised in the year 2016 stand filled up by virtue of a selection process, the petitioners would be vested with a right to be accommodated against the additional requirement of 42 firemen against three Fire Brigade vehicles.

Having heard counsel for the petitioners at length and having perused the pleadings on record, this Court is of the considered view that the prayer made in the instant writ petition is not tenable.

Admittedly petitioners herein had participated in a selection process initiated vide advertisement issued in the year 2016 against 14 posts of Fireman. Their names having figured in the waiting list at serial numbers 2, 3 and 4 they can at best be considered against the 14 posts that may have not been filled up or consumed. In other words the claim for appointment of the petitioners would be confined only qua the 14 posts that have been advertised and to the selection process in which they had participated.

Even if a requirement for additional Firemen has cropped up subsequent to the recruitment process initiated in the year 2016, such posts in law would have to be filled up by resorting to a fair and transparent selection process in terms of Articles 14 and 16 of the Constitution of India.

Any resolution or decision taken by the Municipal Council, Dasuya would have to be subservient to such settled proposition of law.

As and when the respondent-authorities take a decision to fill up 42 additional posts of Fireman and initiate a recruitment process it would be open for the petitioners herein also to participate subject to fulfilment of eligibility conditions.

No interference in the matter is called for.

Writ petition is dismissed.

**(TEJINDER SINGH DHINDSA)
JUDGE**

February 05, 2019
sunita

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