

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

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Civil Writ Petition No.10857 of 2019
Date of Decision: August 27th, 2019

Pardeep Singh and another

...Petitioners

Versus

Chandigarh Administration, Department of Health and Family Welfare
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jaganjot Singh Sodhi, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court praying for issuance of a writ of mandamus directing the respondents to fill up the posts of MPHWP (Male) in the office of Assistant Director Malaria UT Administration in pursuance to the letter dated 22.02.2016 which was followed by the public notice inviting applications from eligible candidates pursuant to which a provisional merit list for the exam conducted on 11.10.2015 (Annexure P-6) was issued by the respondents. But instead of proceeding with the said selection process, the said process was cancelled and applications were invited from candidates for filling up the posts through deputation from the persons from Punjab and Haryana. The said process has not yielded any fruits and again the fresh advertisement has been issued calling upon the candidates to apply for filling up the posts through deputation from the States of Punjab and Haryana.

2. This process, according to the petitioners and the resort to such action on the part of the respondents, is not sustainable as the petitioners having participated in the selection process and have been found suitable as per the provisional merit list which was declared and published for the exam

conducted on 11.10.2015, have been deprived of the right for appointment to the post of Multipurpose Health Workers (Male). His further contention is that the persons, who have been appointed on *ad hoc* basis, are still continuing. Reference in this regard is made to Annexure P-13, which when perused, indicates that it is for a particular season for which appointments were carried out when influenza season was on.

3. Having considered the submissions made by the counsel for the petitioners and on going through the pleadings in the writ petition, this Court does not find any right which would have accrued to the petitioners, especially in the light of the fact that although the process of selection had been initiated but it had neither culminated in the actual selection nor have any appointment letters been issued. It is settled principle of law that even if the selection has been done, prior to the joining of the candidate, the competent authority i.e. appointing authority can proceed to cancel the process of selection. Here it is not even a case where the selection had actually finalised. In the given facts and circumstances, it being the discretion of the employer to fill up the posts from whichever source it decides to, cannot be questioned in the manner as in the present case, where the candidates have got no right to the said process.

4. Finding no merit in the writ petition, the same stands dismissed.

August 27th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No