

(225) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.14446 of 2016
Date of decision: 10.07.2019

Baljeet Singh

.... Petitioner

Versus

State of Haryana and others

.... Respondents

Before: Hon'ble Mr. Justice. B.S. Walia.

Present: None for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. D.S. Rawat, Advocate for respondent No.2.

Mr. R.S. Budhwar, Advocate for respondent Nos.3 and 4.

Mr. Surender Pal, Advocate for respondent No.5.

B.S. Walia, J. (Oral)

[1] Prayer in the writ petition is for the issuance of a writ of Certiorari for quashing result, Annexure P-14, dated 31.03.2016, recommendation, Annexure P-15, dated 31.03.2016 as also appointment orders, Annexure P-16 (Colly.) dated 18.04.2016 whereby respondent Nos.3 to 5 were selected and appointed as Office Attendant by respondent No.2.

Further prayer has been made for issuance of a writ in the nature of Mandamus for directing respondent Nos.1 and 2 to appoint the petitioner as Office Attendant being more meritorious than respondent Nos.3 to 5.

[2] While issuing notice of motion, plea of the petitioner was noted that as per information received under the RTI, private

respondents were not eligible as per the criteria stipulated in the notice inviting applications, whereas the petitioner apart from possessing the essential qualifications and experience had higher qualifications than the minimum required.

[3] Learned counsel appearing on behalf of the respondents contend that respondent Nos.3 to 5 were appointed as Office Attendants for a period of one year only vide order dated 18.04.2016 (Annexure P-16, colly.) whereafter their services were terminated w.e.f. 19.04.2017. Learned counsel for the respondents contends that in the circumstances, the writ petition has become infructuous and may be disposed of as such.

[4] Learned counsel for respondent No.3 fairly concedes that respondent No.3 was not eligible for the post of Official Attendant for which he was appointed and that respondent No.3 resigned after one month of joining service.

[5] Learned counsel for respondent No.2 on the other hand contends that there were 11 candidates, besides, private respondents who secured more marks than the petitioner, consequently, no case was made out in favour of the petitioner.

[6] However, it needs noticing here that on 11.07.2017 while noticing the plea of counsel for the private respondents that the petition no longer survives, it was observed that the petitioner had specifically contended that the private respondents were appointed without even being eligible for the post whereas not only the petitioner was eligible but was also higher in merit, whereupon it was observed that if that

contention was found to be correct, then the petitioner would be entitled to damages from the official respondents.

[7] Despite the case having been called out twice, none is present on behalf of the petitioner nor has any request for pass-over been made. In the circumstances, it appears that the petitioner is not interested in pursuing the writ petition.

[8] Dismissed in default.

(B.S. Walia)
Judge

10.07.2019
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- 1. Whether speaking/reasoned : Yes/No.
- 2. Whether reportable : Yes/No.