IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-20477-2015 (O&M)
Date of decision : 04.07.2019

Hardeep Singh and another

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. D.S. Patwalia, Sr. Advocate,
with Mr. Harsh Mehla, Advocate,
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

JITENDRA CHAUHAN, J.

The petitioners seek issuance of a direction to respondent No.2 to declare the result of the posts of Plumber Instructor (SC other) and Tractor Mechanic Instructor (BC) for which verification of documents took place on 11.06.2015 in pursuance to public notice of June, 2015 (Annexure P-10) and further to appoint the petitioners.

It is contended that by way of advertisement No.1/13 dated 01.03.2013 (Annexure P-1), applications were invited for filling up of 216 posts of Craft Instructors in various trades including one post each of Plumber Instructor (Scheduled Caste other) and Tractor Mechanic Instructor (Backward Class), which are subject matter of the instant petition. Being fully eligible, petitioner No.1 applied for the post of Plumber Instructor

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under the SC other category, whereas, petitioner No.2 applied for the post of Tractor Mechanic Instructor against the post reserved for Backward Class candidates. Pursuant to their applications, the petitioners were issued roll number. They appeared in the written test conducted for the purpose. The petitioners fared well in the said examination and were placed at Sr. Nos.4 and 5 in the merit lists (Annexure P-2 and P-3) in their respective categories. Initially, only four candidates were called for verification of documents for the post of Tractor Mechanic Instructor (BC), whereas, for the post of Plumber Instructor (SC others), only three candidates were called. However, none of the candidates so called for verification were selected in any of the categories stated above, being either ineligible or absent as per result lists dated 20.09.2013 and 30.09.2013 (Annexures P-4 and P-5, respectively). In the meantime, vide an interim order passed by this Court in CWP-18753-2013 and CM-8113-2013 in CWP-22757-2011 (Annexure P-6), the selection process in pursuance to advertisement Annexure P-1 was directed to continue but the final result was stayed. Thereafter, vide order dated 05.03.2014 (Annexure P-7), this Court directed that the interim order would be qua the post of Craft Instructors (regular) only and thus, the selection process for the remaining posts began from where it was left. Thereafter, vide order dated 30.04.2015 (Annexure P-8), this Court vacated the order restraining the respondents from making appointments. Ultimately, the respondent-department vide public notice dated Nil (Annexure P-9), announced the issuance of appointments to eligible candidates for the posts of Craft Instructors on 15.05.2015. Thereafter, vide public notice of June, 2015 (Annexure P-9), issued by

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respondent No.2, eligible candidates in the merit list were called for filling up of unfilled vacancies in pursuance of advertisement Annexure P-1, including the posts in question. The eligible candidates for different trades were called for verification of documents on 11.06.2015. The petitioners appeared on 11.06.2015 and duly got their documents verified. However, the respondents did not declare the result for the reasons best known to them.

On the other hand, learned State counsel submits that pursuant to the preparation of tentative merit lists, candidates in the order of such merit three times the posts advertised in the respective trades were displayed. The names of both the petitioners do not fall in the three-times merit list. The three-times candidates were called for scrutiny of documents and when none was found eligible and candidates falling in 3 to 5 times merit of those advertised posts were called for scrutiny of documents. However, the State Government, in larger public interest, took decision on 11.08.2015, to re-advertise all those posts so that other meritorious candidates could get a chance to apply leading to a healthy competition and resulting in selection of best candidates.

Heard.

A perusal of the record shows that for the post of Tractor Mechanic (BC), list of four candidates to be called for scrutiny of documents was prepared as the merit percentage of the 3rd and 4th candidate was the same. However, at the time of scrutiny of documents/certificates of such candidates, the candidates mentioned at Sr. Nos.1, 2 and 4 were found 'not eligible', by the committee, whereas, candidate at Sr. No.3 was 'absent'.

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As regards the Plumber trade (SC category), top three candidates from the merit list of the said category were called for scrutiny of document and candidates mentioned at Sr. Nos.1 and 2 were 'absent', whereas, candidate mentioned at Sr. No.3 was found 'not eligible', by the committee. Thereafter, vide public notice of June, 2015 (Annexure P-10), candidates placed between 3 to 5 times the number of posts advertised were called for scrutiny of documents for filling up of the vacant posts. At this stage, both the petitioners were admittedly placed at Sr. No.1 in their respective categories. The petitioners successfully attended the scrutiny process. However, in the meanwhile, vide decision dated 11.08.2015, the State government decided not to fill up such vacancies and to re-advertise the same resulting into non-issuance of appointment letter to them. These facts are not being disputed by learned counsel for the respondents.

Therefore, this Court feels that the denial of appointment to the petitioners after scrutiny of documents in pursuance of public notice Annexure P-10 only on the ground of a subsequent decision of the government to re-advertise the unfilled vacancies, does not stand the test of reasonableness. Once, none of the candidates from the first list (three-times the number of posts) was found to be eligible, the petitioners had every right to be considered being next in the merit list. Moreso, the department had issued public notice (Annexure P-10) to this effect inviting candidates next available in the merit list for scrutiny of documents which the petitioners successfully attended. No reasons have come forth to justify the belated decision of the government not to fill up vacancies pursuant to public notice Annexure P-10.

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In this view of the matter, this instant petition is allowed. The respondents are directed to declare the result of the posts in question pursuant to scrutiny of documents held on 11.06.2015 in response to public notice (Annexure P-10) and issue appointment letters to the petitioners if there is no other impediment to their selection. The necessary exercise be completed within six weeks from the date of receipt of a certified copy of this judgment.

Allowed.

04.07.2019 **(JITENDRA CHAUHAN)**
atulsethi **JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No

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