

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

146

CWP-33822-2019

Date of Decision: 21.11.2019

Ranjit Singh and another

--Petitioners

Versus

Managing Director Pepsu Road Transport and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr.Gurinder S. Lalli, Advocate
for the petitioners.

TEJINDER SINGH DHINDSA.J.

Petitioners seek mandamus for directing the respondents to appoint them on the posts of Blacksmith.

Counsel would submit that in pursuance to an arrangement between the Pepsu Road Transport Corporation, Patiala and a service provider i.e. 3rd respondent, names of the petitioners herein were sponsored to the Pepsu Road Transport Corporation and which in turn having examined the educational qualifications of the petitioners had prepared a merit list at Annexure P-2 and the same was then forwarded to the Service Provider for issuance of appointment letters. Placed on record at Annexure P-3 (Colly) are the appointment letters dated 08.01.2018 issued by the Service Provider in favour of petitioners and such appointment letters have been addressed to the General Manager, PRTC, Ludhiana.

It has been vehemently argued that pursuant to such exercise whereby PRTC had examined, the qualifications as also other

eligibility conditions of the petitioners and the Service Provider thereafter having issued appointment letters, the petitioners are vested with a right to join on the post of Blacksmith under the PRTC. Counsel has placed reliance upon a judgment of Hon'ble Supreme Court in **Purushottam vs. Chairman, M.S.E.B., 2000(1) SCT, 1121.**

Having heard counsel at length and having perused the pleadings on record, this Court is of the considered view that there is no merit in the instant petition and the same deserves to be dismissed.

It is by now well settled that for any right to accrue to be appointed to a particular post, a recruitment process confirming to the Articles 14 and 16 of the Constitution of India has to be initiated. In other words, a criteria has to be evolved to fill up the particular post and thereafter an advertisement/public notice ought to be issued so as to afford a chance to all eligible candidates to apply for the particular post. In the facts of the present case, the name of the petitioners herein apparently have been sponsored at the hands of a Service Provider. Even the preparation of the merit list at the hands of the Pepsu Road Transport Corporation is not in pursuance to all the eligible candidates having been called from the open market. The entire exercise was on account of an arrangement between the Corporation and a Service Provider. Even the appointment letters have been issued by the Service Provider and not by the Corporation.

In service jurisprudence even a duly selected candidate is not vested with an indefeasible right to appointment. This Court would have no hesitation in observing that the petitioners herein cannot be construed as duly selected candidates.

The judgment in Purushottam's case supra will not advance the prayer of the petitioner. In that case, the candidate in question had applied for the post of Assistant Personnel Officer under the Maharashtra State Electricity Board and had been subjected to a regular selection process. It was the action of the Maharashtra State Electricity Board that had been challenged and who was insisting upon not issuing an appointment letter in favour of a duly selected candidate on the pretext that in the meanwhile some other candidate had been appointed on the post. The facts of such case are clearly distinguishable.

This Court does not find any merit in the instant petition and the same is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

21.11.2019
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- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No