

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.119

CWP-8594-2020

Date of decision : 19.8.2020

Gurliakat Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr.Sandeep Bansal, Advocate, for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

SUDHIR MITTAL, J. (Oral)

The petitioner was an applicant for the post of Agriculture Sub Inspector advertised vide advertisement dated 29.12.2015, annexure P-1 by the third respondent. All the applicants were required to appear for counseling on various dates communicated vide public notice dated 23.9.2016, uploaded on the website and published in newspapers circulating in the locality. The petitioner was required to appear on 30.9.2016, but he did not do so. List of all eligible candidates was uploaded on 14.12.2016 and a corrected list was published on 20.12.2016. Thereafter, appointment orders were issued. Vide order dated 14.2.2019, the appointments of some candidates, who did not submit their joining report, pursuant to their respective appointment orders, were cancelled. The petitioner approached this Court vide CWP-30725-2019, justifying his non-appearance on the ground that he was not aware of the notice dated 23.9.2016 as he belongs to the border area and internet services in the area are very poor. Vacancies were available as was evident from order dated 14.2.2019 and the petitioner had made various representations for consideration of his candidature, but no order had been passed, thereupon. The said writ petition was disposed of

pending representations of the petitioner within a period of two months from the date of receipt of a certified copy of the order. Consequently, speaking order dated 24.2.2020, has been passed rejecting the representations of the petitioner.

Learned counsel for the petitioner submits that it is evident that the petitioner did not acquire knowledge of the notice dated 23.9.2016, annexure P-2, because, it is well-known that internet services in the border areas are very poor. Thus, the petitioner was not at fault for his failure to appear for counseling. Moreover, the counseling was not in the nature of an interview, but was only for the purposes of document verification. Vacancies are available as is evident from order dated 14.2.2019 and persons below the petitioner in the order of merit circulated vide public notice dated 23.9.2016, annexure P-2, have been given appointment. Thus, order dated 24.2.2020, rejecting the representations of the petitioner, is illegal.

From the aforementioned submissions of learned counsel for the petitioner, his arguments can be crystallized as (a) list appended with notice dated 23.9.2016, annexure P-2, was in the nature of merit list as the counseling was only for the purpose of documents verification and not interview and being higher in the order of merit (at serial No.137) than some of the candidates who were appointed, (appointments made upto serial No.162 excepts two candidates, who did not join) he deserved to be appointed and (b) vacancies are in existence as is evident from order dated 14.2.2019 and since, the petitioner cannot be blamed for non-appearance for counseling, he deserves to be given an appointment against the available vacancies.

The list appended with notice dated 23.9.2016, annexure P-2, cannot be equated with a merit list. The said document was a public notice to applicants to appear for counseling on specified dates, so that their documents could be verified and appointment orders issued. This is corroborated by the fact that select list was issued on 20.12.2016 (annexure P-3) after making the necessary corrections in the list uploaded on 14.12.2016. Thus, learned counsel for the petitioner is incorrect in submitting that the list circulated along with notice dated 23.9.2016 (annexure P-2) was in the nature of merit list. Moreover, the argument is contradictory. According to the learned counsel for the petitioner, candidates were required to appear for counseling only for documents verification and not for interview. This itself predicates that no merit list could have been prepared even after document verification. The list annexed with notice 23.9.2016, annexure P-2, was not a merit list in any case. Thus, the contention of learned counsel for the petitioner that persons below the petitioner in the order of merit, have been given appointment, is contrary to his own argument.

Regarding the submission that the petitioner did not acquire knowledge of the public notice dated 23.9.2016, annexure P-2, speaking order dated 24.2.2020, clearly states that according to the instructions issued with the advertisement in question, candidates were required to remain regularly in touch with the website of the Board and to be watchful of any notice and dates of counseling, which may be issued and individual information was not to be given. The said order also records that apart from uploading on the website, the same was published in two leading

allege that he was unaware. The petitioner was not vigilant and lost the opportunity, which came his way and there is no illegality in the rejection of his claim.

The writ petition is meritless and is dismissed. The petitioner shall however be at liberty to apply afresh in case a fresh selection process is initiated to fill up the unfilled posts.

(SUDHIR MITTAL)
JUDGE

19.8.2020
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No