

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

112

CWP-9884-2020

Decided on : 15.07.2020

Rajat Garg

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. K.D.Sachdeva, Advocate, for the petitioner.

Ms. Anu Pal, DAG, Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing respondent No.1 to consider and appoint the petitioner to the post of Inspector Audit Cooperative Societies vide advertisement dated 29.11.2016 (Annexure P-1), issued and in pursuance of selection process thereon, since the petitioner is second in the waiting list of the candidates issued by respondent No.2 and number of seats in the General Category are lying vacant.

Counsel for the petitioner further submits that his representation dated 22.05.2020 (Annexure P-18) is pending and that there are seats lying vacant in the General Category and the petitioner is at Sr.No.2 in the wait-list and the recruitment process is still going on.

Notice of motion.

Ms.Anu Pal accepts notice on behalf of the respondents.

A perusal of the paperbook would go on to show that as pointed out by counsel for the petitioner, that vide advertisement No.7 dated 29.11.2016 (Annexure P-1), 266 posts of General Category of Inspector Audit Cooperative Societies were advertised. It is the case of the petitioner that in the initial merit list dated 18.10.2017 (Annexure P-5), his name figured at Sr.No.230. It is further his case that a combined list, including the merit of the Reserved Categories who had qualified on their merit, thereafter, was framed whereby the merit slid down to Sr.No.271.

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It is, accordingly, submitted that in **CWP-25502-2017** titled *Anubhav Watts Vs. Punjab Public Service Commission & another*, decided on 20.04.2018 (Annexure P-7), directions were issued by a Co-ordinate Bench regarding withdrawal of one question and to grant equal credit marks to all candidates, which had been done by the Commission. It is, thus, the case of the petitioner that a revised combined list was then framed and the merit of the petitioner came to 306. On account of non-joining of candidates the wait-list till 304 was given the benefit of joining and thereafter, he submitted a representation dated 22.05.2020 (Annexure P-18) that he be also appointed as vacancies were present, as per Annexure P-13.

Counsel has further pointed out that vide communication dated 23.01.2020 (Annexure P-15) and 14.02.2020 (Annexure P-16), it is clear that the matter is still under process and the recruitment process has not been completed. In such circumstances, the information sought under the RTI Act, 2005 was also not supplied by the respondents. Counsel has also referred to the order dated 16.06.2020 passed in **CWP-8109-2020** titled *Maninderjit Kaur Vs. State of Punjab & another* (Annexure P-19) wherein similarly situated candidate belonging to Balmiki category was also on wait-list at Sr.No.2 and directions were issued to consider her case within 3 months. Thus, counsel for the petitioner submits that he would be satisfied if the representation dated 22.05.2020 (Annexure P-18) is acted upon, within a fixed time-frame.

Keeping in view the above, this Court is of the opinion that no useful purpose would be served by calling upon the respondents to file reply as it would only delay the proceedings since the decision making is still to be done on the said representation.

Accordingly, without commenting upon the merits of the case or the entitlement of the petitioner, the present writ petition is disposed of by directing the competent authority to decide the representation dated 22.05.2020 (Annexure P-18), within a period of 3 months from the receipt of a certified copy of this order. In case the petitioner is found entitled to the said relief, necessary directions be issued. In case he is to be denied the

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With the above directions, the present writ petition stands disposed of.

JULY 15, 2020
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Whether Reportable:	Yes/No
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