

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CWP No. 9784-2020 (O&M)

Date of Decision : 17.11.2020

AMANDEEP SHARMA

....Petitioner

Versus

STATE OF PUNJAB AND ORS.

.....Respondents

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vivek Sharma, Advocate for the petitioner.

Mr. T.P.S. Chawla, Deputy Advocate General, Punjab
for respondents No. 1 and 2.

Mr. Naresh Kumar, Advocate for respondent No. 3.

Mr. D.R. Sharma, Advocate for the applicant
(in CM No. 10627-CWP-2020)

Harsimran Singh Sethi, J. (Oral)

CM-10627-CWP-2020

Present application has been filed for impleading the applicant-
Namita Kandhari as respondent No. 4.

Mr. Vivek Sharma, learned counsel appearing on behalf of the
petitioner raises no objection for the grant of prayer as raised in the present
application.

Keeping in view the averments made in the application, which

are duly supported by an affidavit, present application is allowed. Applicant-Namita Kandhari is allowed to be impleaded as respondent No. 4 in the present writ petition. Amended memo of parties attached with the present application is taken on record.

CM stands allowed.

CWP-9784-2020

In the present writ petition, the prayer of the petitioner is for setting-aside the selection and appointment of respondent No. 3 as a Legal Officer.

Learned counsel appearing on behalf of respondent No. 3 submits that respondent No. 3 has already resigned and is no longer in service.

This fact renders the prayer of the petitioner infructuous.

Learned counsel for the petitioner submits that the prayer of the petitioner for appointing him as Legal Officer still subsists.

Mr. D.R. Sharma, learned counsel appearing on behalf of newly added respondent No. 4 submits that his client is above the petitioner in the merit and in case anybody is to be appointed after the resignation submitted by respondent No. 3, it is his client, who should be appointed as she is higher in merit than the petitioner.

Learned counsel for respondents No. 1 and 2 after obtaining instructions from the department submits that no decision has been taken so far by the department to appoint anyone after the resignation of respondent No. 3, out of the selection, which was made by the department. Learned State counsel submits that appropriate decision will be taken by the

department in this regard whether to advertise the post afresh or to appoint somebody from the list or keeping in view the facts and circumstances, whether there is requirement to fill the said post or not.

That being so, the present writ petition is disposed of with a direction to respondents No. 1 and 2 to take appropriate decision within a period of three months from today as to whether, candidate next in the merit from the selection already made is to be appointed or the post is to be re-advertised for considering the claim of all eligible candidates once again or any other decision, which respondents deem fit in the facts and circumstances of this case.

After the said decision is taken by the department, the petitioner or respondent No. 4, who is next in merit, if feels aggrieved qua the said decision, can avail the appropriate remedy available to them.

November 17, 2020

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No