

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

1. CWP-12332-2020 (O&M)
Date of decision : 18.11.2020
Sandeep Kumar and others ...Petitioners
Versus
State of Haryana and others ...Respondents
2. CWP-13503-2020 (O&M)
Date of decision : 18.11.2020
Karanjeet Singh and others ...Petitioners
Versus
State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. Jasbir Mor, Advocate for the petitioners
(In CWP-12332-2020)

Mr. Ashok Bhardwaj, Advocate for the petitioners
(In CWP-13503-2020)

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Kanwal Goyal, Advocate for the respondent
(In CWP-12332-2020)

Mr. Padamkant Dwivedi, Advocate for respondent Nos.2 and 3
(In CWP-13503-2020)

ANIL KSHETARPAL, J.

By this order, CWP-12332-2020 and CWP-13503-2020 shall stand disposed of.

Facts are being noticed from CWP 12332-2020. Through this writ petition, the petitioners have sought the following substantive reliefs:-

“(i) Issue a writ in the nature of mandamus directing the respondents to appoint the candidates from the waiting list including the petitioners on the post of Assistant Block Resources Coordinator (for short ABRC) in order of merit

against the clearcut vacancies available with the respondent department due to non joining, resignation of the selected candidates in merits list or any other reasons and also against the future vacancies arises within one year from the date of result/selection in terms of the Govt. Instructions dated 25.6.2019 (Annexure P/14) against the advertisement dated 15.6.2019 (Annexure P/1).

(ii) Issue any other appropriate order or direction which this Hon'ble Tribunal may deem fit and proper peculiar facts and circumstances of the case."

A detailed written statement has been filed by respondent No.3.

Although, the arguments of learned counsel for the petitioners have already been answered by this Court on 23.09.2020 while deciding the case of Asha Vs. State of Haryana and others, CWP-14794-2020, however, learned counsels for the petitioners have insisted that the Court should re-decide the matter. That's how this case has been heard at length.

The Haryana School Shiksha Priyojna Parishad is a registered society. It invited applications for appointing 1207 Assistant Block Resource Coordinators on contract basis. The contract was for a period of one year. A written test was held by the Board of School Education, Haryana. Although, the petitioners cleared the test, however, were placed in the waiting list. They were also called for document verification. However, the petitioners could not secure a place among appointed candidates as they did not get enough marks in the written test. The petitioners were placed in the waiting list which was subsequently revised. On account of resignation etc. the respondents have recently appointed 483 candidates from the waiting list. However, the petitioners could not still make it.

Now the petitioners have prayed for direction to appoint

candidates from waiting list including the petitioners. On the other hand, as per the stand taken by respondent No.3, the validity period of the waiting list has lapsed on 10.09.2020 as it was valid for one year from the date of declaration of the result.

This Court has heard learned counsel for the parties. It is well settled that even selected candidates normally have no right to seek appointment. It is also equally well settled that a writ of mandamus cannot be issued to force the employer to fill up the vacant post and mere selection to a post, does not confer any right on the selected candidates to get a direction forcing the employer to appoint him.

Since, the respondents have now taken a stand that the period of waiting list has already lapsed; therefore, the grievance projected by the petitioners has also cease to exist. It is not the case of the petitioners that anyone in each of the category of the petitioners with fewer marks than the writ petitioners has been appointed.

Keeping in view the detailed reasons recorded in the case of Asha (Supra), this Court does not find it appropriate to issue any writ. Hence, both the writ petitions are dismissed.

All the pending miscellaneous applications, if any, are disposed of in view of the above-stated order.

18.11.2020
Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No