

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17598 of 2020
Date of decision: 12.11.2020

Dev Raj and others

..... Petitioners

V/s.

State of Haryana and others

..... Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Sushil Kamboj, Advocate, for the petitioners.

Mr. Rajesh Gaur, Additional Advocate General, Haryana,
for respondent Nos. 1 to 3.

Sanjay Kumar, J.(Oral)

The petitioners, seventeen in number, seek appointment as Physical Training Instructors pursuant to Advertisement No.6/2006 dated 20.07.2006. They also seek to challenge the selection of candidates who allegedly did not possess the minimum qualification, viz, respondent Nos. 4 to 8 herein.

It is a matter of record that the selections made pursuant to Advertisement No.6/2006 dated 20.07.2006 were the subject matter of litigation and the same ultimately culminated in the order dated 08.04.2020 of the Supreme Court in *Civil Appeal No.2103 of 2020*, titled '**Ramjit Singh Kardam and others V/s. Sanjeev Kumar and others**', and batch. In consequence, the earlier selections stood nullified and the Haryana Staff

Selection Commission was directed to undertake the selection process afresh pursuant to the said advertisement, as per the criterion notified on 28.12.2006, by holding an objective type written test for 200 marks and *viva voce* interview for 25 marks. All the candidates who had already submitted their applications in response to the said advertisement, including those who were selected earlier, were to be permitted to participate in the fresh selection.

In effect, the performance of the petitioners in the selection test held in the year 2008 ceased to be of import and they necessarily had to appear in the written test that was to be held pursuant to the Supreme Court directions. However, it is an admitted fact that the petitioners did not choose to participate in the written examination held on 23.08.2020 and the *viva voce* interviews held thereafter. The final result of the said test and the *viva voce* interviews was declared by the Haryana Staff Selection Commission on 05.10.2020. The unofficial respondents herein stood selected as per this result.

Mr. Sushil Kamboj, learned counsel for the petitioners, would state that, as on date, approximately 1000 of the notified 1983 posts still remain vacant and contend that the petitioners should be considered for appointment against the same. He would also contend that the unofficial respondents, who were ineligible, ought not to have been selected.

However, the irrefutable and fatal factor that weighs against the petitioners is that they failed to participate in the fresh selection process in terms of the directions of the Supreme Court *vide* the order dated 08.04.2020. Having failed to do so, it is not open to them to ask for

consideration of their candidature for selection and appointment as Physical Training Instructors. Further, when they did not even participate in the fresh selection process, they would not have *locus standi* to assail the selection of the unofficial respondents herein. Thus, the petitioners are disentitled to claim either of the reliefs sought in this writ petition.

The writ petition is accordingly dismissed on this short ground.

There shall be no order as to costs.

(SANJAY KUMAR)
JUDGE

12.11.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no