

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

CWP No.7150 of 2016

Date of Decision : 03.02.2020

Rochak Bansal

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Mavpreet Singh, Advocate
for the petitioner.

Mr.T.P.S.Chawla, DAG, Punjab.

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TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner assails the selection and appointment of private respondents No.3 to 5 as Law Officers by the Department of Local Government, Punjab.

Counsel submits that a public notice dated 19.01.2014 (Annexure P-1) was issued by the Department of Local Government, Punjab inviting applications from eligible candidates for filling up various posts including three posts of Law Officers under the Municipal Corporations in the State of Punjab and to be filled up from the general category. Petitioner being eligible and possessing the essential qualifications applied for the post of Law Officer on 29.01.2014. Thereafter a written test was held on 29.03.2014 in which the petitioner participated. The precise case set up on behalf of the petitioner is that in the merit drawn up pursuant to the written test petitioner secured rank No.2 but in spite thereof he has been denied

appointment and candidates lower in rank have been selected and issued appointment letters. It is vehemently argued that the petitioner having participated in a recruitment process and having secured a sufficiently high merit position could not have been denied appointment as the action would be in violation of Articles 14 and 16 of the Constitution of India as the private respondents who were lower in merit have been offered appointment. Action of the official respondents is stated to be patently arbitrary and unjust on the ground that petitioner was not informed with regard to the counseling exercise which was essentially in the nature of document verification. In this regard counsel submits that the address of the petitioner was reflected in the application form itself and even subsequent change of address had been duly intimated but the official respondents did not intimate the petitioner at either of the addresses as regards the date of the counseling exercise. Counsel argues that under such circumstances rightful claim of the petitioner for appointment to the post in question cannot be defeated.

On behalf of the State, a stand has been taken that a public notice dated 08.08.2014 had been issued notifying all the concerned candidates with regard to the counseling exercise and which was slated to commence w.e.f. 26.08.2014. Further stand taken in the written statement is that a second public notice was also issued on 29.08.2014 towards giving a second chance to the candidates to appear in the counseling exercise and in spite thereof the petitioner did not come present. Learned State counsel contends that under such

circumstances the candidates next in order of merit were offered appointment and which they had accepted.

Counsel for the parties have been heard at length.

Admittedly, recruitment process for the post of three Law Officers (General Category) was initiated vide advertisement issued in the year 2014 (Annexure P-1) Selection process essentially comprised of a written test on the basis of which a merit was to be drawn. After conduct of the written test a counseling exercise was to be undertaken only for the purpose of verification of the requisite documents/educational qualifications. Petitioner being eligible, his application form was entertained and an admit card was issued. Petitioner appeared in the written test conducted on 29.03.2014 and in the result that was declared petitioner's name appeared at merit position No.2. The positive and categorical stand taken on behalf of the State in the written statement is that public notices on two occasions were issued i.e. on 08.08.2014 and 29.08.2014 to facilitate the candidates to participate in the counseling exercise. Such stand has not met with any rebuttal at the hands of the petitioner by way of filing of a re-joinder/replication. A public notice issued at the hands of the official respondents would be taken as sufficient notice/information for prospective candidates to appear in the counseling exercise. Counsel for the petitioner concedes that there was no stipulation in the advertisement carrying a mandate that the candidates would be informed individually for purposes of attending the counseling exercise. It is not even the case of the petitioner that

other candidates who did appear and were offered appointment had been notified individually. Under such circumstances, no infirmity is found in the procedure adopted by the respondent authorities in having issued public notices inviting candidates to appear on specific dates for the counseling exercise.

The petitioner having failed to appear in the counseling exercise cannot now be permitted to stake a claim for appointment in relation to a recruitment process that was initiated in the year 2014 and culminated in the year 2015 itself.

There is no merit in the writ petition.

Dismissed.

03.02.2020

dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No