

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

**CWP No.4529 of 2017 (O&M)
Date of Decision: 29.01.2020**

Anil Kumar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mrs. Anju Arora, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

RITU BAHRI, J. (ORAL)

Petitioner is seeking quashing of advertisement dated 19.11.2016 (Annexure P-15), whereby online applications for the post of Refractionist were invited. Grievance of the petitioner is that his online application has not been accepted.

The petitioner joined as Ophthalmic Assistant on 27.03.1997 in the Health Department, Haryana and presently, he is posted in General Hospital, Nilokheri, District Karnal. Vide order dated 22.03.2013 (Annexure P-4), petitioner was sent on deputation for 60 days to Kalpna Chawla Govt. Medical College, Karnal-respondent No.3. Vide advertisement (Annexure P-9), Kalpna Chawla Govt. Medical College, Karnal, advertised various posts, including the post of Refractionist. Case of the petitioner was recommended by the Director General, Health Services, Haryana vide letter dated 08.03.2013 (Annexure P-10). However, respondent No.3-college rejected the case of the petitioner vide letter dated

06.12.2013 (Annexure P-11) on the ground that he is not having two years' experience and his basic plus Grade pay is different. Thereafter, vide advertisement (Annexure P-15), respondent No.3-college advertised the post of Refractionist and the last date for submission of applications was 04.12.2016. However, online application of the petitioner was not accepted. Earlier, petitioner approached this Court by filing CWP No.25107 of 2016 seeking grant of age relaxation, which was disposed of on 03.12.2016 (Annexure P-22) by giving liberty to seek administrative remedy expeditiously. Thereafter, petitioner approached the authorities and his request was declined vide order/letter dated 11.01.2017 (Annexure P-24).

A perusal of order/letter dated 11.01.2017 (Annexure P-24) shows that last date of submission of online application form was 04.12.2016. Since the petitioner had approached beyond that date, his representation of age relaxation was received on 09.12.2016, which was rejected. This order has been challenged by the petitioner in the present petition.

After issuing notice of motion, separate written statements have been filed by respondent Nos.1 and 2 and respondent No.3. No interim direction was given to the respondents to accept the application form of the petitioner and to allow him to participate in the selection process provisionally. The selection process has already been completed. As per reply filed by respondent No.3, there was no rule for giving age relaxation for the post of refractionist on account of having experience. It was stated that after conducting interview as per schedule, selection process has already been completed and final result has been declared. Appointment

letter (Annexure R-1V) has already been issued to the selected candidate namely Telang Samita Sanjay.

After going through the reply filed, this Court is of the view that since application form of the petitioner was never accepted and the selection process has already been completed, no case for issuance of any direction, as prayed for, is made out.

No merits.

Dismissed.

(RITU BAHRI)
JUDGE

29.01.2020
ajp

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No