

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

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**CIVIL WRIT PETITION NO.36609 OF 2019
DATE OF DECISION: JANUARY 21, 2020**

Suresh Saini

.....Petitioner

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Munish Thakur, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, challenging the order dated 22.06.2011 (Annexure P-5) whereby Director General School Education, Punjab, Chandigarh-respondent No.2 has rejected the prayer of the petitioner for appointment to the post of Post Graduate Teacher (History) (for short, "PGT"), for which he had been selected and placed at Sr.No.13 in the merit list of general category against 25 vacant posts. Prayer has also been made for quashing of public notice dated 24.06.2011 (Annexure P-7) vide which the earlier selection was sought to be cancelled and the process of recruitment of PGT teachers for 4 Adarsh Schools and 21 Model Schools stopped and the candidates were ordered to be refunded their fee after verifying the facts from the applications vide public notice dated 01.12.2012 (Annexure P-8) and the advertisement notice dated 07.01.2010 (Annexure P-1) stood illegally and arbitrarily

cancelled/withdrawn, denying the right of the petitioner for appointment on the post of PGT (History), on which he was duly selected. Assertion has also been made that thereafter a fresh advertisement was issued on 09.12.2012 (Annexure P-9) for the same posts qua which advertisement had been earlier withdrawn.

It is the contention of learned counsel for the petitioner that the petitioner possesses the qualifications of B.A., M.A. (History) and B.Ed and as such was eligible for appointment to the post of PGT (History). In pursuance of the advertisement dated 07.01.2010 (Annexure P-1), the petitioner applied for the post of PGT (History). He was selected and placed at Sr.No.13 in the merit list. Twenty Five posts of PGT (History) of general category were advertised and, therefore, the petitioner was hopeful of being appointed to the post. The petitioner was further confronted by the issuance of a public notice, whereby the whole recruitment process was put on hold for the PGTs. Subsequently an advertisement dated 09.12.2012 (Annexure P-9) was again issued by the respondents, calling for fresh applications for appointment to the same posts. The petitioner approached this Court by filing Civil Writ Petition No.14219 of 2013 (Amarjit Singh and others Vs. State of Punjab and another), whereby he had challenged the action of the respondents in not appointing him and thereafter within a short span of time, proceeded to issue a fresh advertisement for appointment on the same posts. The writ petition came up for hearing before this Court and finally vide order dated 10.09.2019 (Annexure P-13), finding that the petitioner has not challenged the public notice dated 01.12.2012 (Annexure P-8), granted liberty to him to challenge the same. The petitioner has approached this Court by way of present writ petition, wherein all these impugned orders, as

referred to above, have been challenged.

It is also the contention of learned counsel for the petitioner that the action of the respondents in cancelling the process through which the petitioner has been appointed and thereafter subsequently issuing a fresh advertisement for filling up of the same posts and thereafter withdrawing the said advertisement is a malafide exercise of powers on the part of the respondents. He asserts that in the said process, petitioner has become over age and has lost an opportunity to participate in future selection process. He, thus, contends that the impugned orders deserve to be set-aside and a direction issued to the respondents to appoint the petitioner on the post of PGT (History), for which he was selected in the year 2011 in pursuance of the advertisement dated 07.01.2010 (Annexure P-1).

I have considered the submissions made by counsel for the petitioner and with his assistance have gone through the records of the case.

The facts, as narrated above and stated by counsel for the petitioner, are not in dispute and, therefore, not being repeated for the purpose of passing this order.

It is an admitted position and could not be disputed by counsel for the petitioner that mere selection does not confer any right. It is not the case of the petitioner that any of the PGT teachers, who were selected in pursuance of the advertisement dated 07.01.2010 (Annexure P-1) have been appointed. In the absence of any appointment out of the said selection, no right is conferred on the petitioner. Assertion has been made that the first selection process could not be scuttled by the respondents by putting it on hold and thereafter immediately issuing a fresh advertisement for the same posts, which is an arbitrary exercise of power, this grievance would have

been justified, had the respondents proceeded to finalise the said selection. As is apparent from the pleadings, the said advertisement was also withdrawn by the respondents and, therefore, that aspect as regards to the petitioner also does not survive.

The question of petitioner having become over age and, therefore, would not be in a position to apply for the post to be advertised is a hypothetical question as of now as such a situation has not arisen and it is only on the assumption that the petitioner has become over age that this submission has been made which cannot be accepted.

In view of the above, I do not find any merit in the writ petition and the same stands dismissed.

January 21, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No