

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

CWP-4332-2021

Date of Decision: 02.03.2021

Sunil Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rajesh Hooda, Advocate,
For the petitioner.

Ms. Mamta Talwar, DAG, Haryana.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus directing the respondents to consider the name of the petitioner from the alleged pending waiting list prepared by the Subordinate Staff Selection Board and appoint him to the post of Shift Attendant.

2. Learned counsel for the petitioner contends that all the original waiting list candidates have already been appointed. Even after that, more than 40 posts are still lying vacant with respondents No.3 to 5. Therefore, respondents may be directed to prepare a second waiting list and offer him appointment.

3. Learned State counsel at the outset submits that as per Instructions dated 20.01.1988 issued by Chief Secretary of State of Haryana, a waiting list is valid only up to a year of same being sent to the department for making appointments.

4. She submits that in the present case posts of Shift Attendant were advertised vide advertisement No. 3/2016 dated 20.02.2016. Pursuant

thereto, the petitioner unsuccessfully participated in the General Category.

Petition has been filed not only belatedly, but even otherwise same is not maintainable as the waiting list was conveyed to the department on 30.11.2019. Waiting list accordingly lapsed on 29.11.2020.

5. I see no reason to disagree with the aforesaid submissions of the learned State counsel.

6. Concededly, the petitioner was not on the list of the selected candidates. He was on waiting list which has lapsed. Instant present writ petition is, therefore, not maintainable having been filed after lapse of the waiting list.

7. Confronted with the situation, learned counsel for the petitioner argues that the waiting list was wrongly prepared by Subordinate Staff Selection Board inasmuch as only 9.35% candidates were kept in the waiting list as against the general practice of 15% to be kept in the waiting list. He further argues that ordinarily a second and/or third waiting list is also prepared, which has not been done in the present case.

8. Be that as it may, it was open for the petitioner to assail the waiting list at the relevant time, in case he was aggrieved, as aforesaid. The waiting list cannot be challenged, at this stage, once the same has lapsed.

9. No grounds are made out to interfere.

10. Dismissed.

March 02, 2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No