

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4825-2021 (O&M)
Date of Order:01.03.2021

AJAY AND ORS

..Petitioners

Versus

STATE OF HARYANA AND OTHERS

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Kumar, Advocate,
for Mr. Mazlish Khan, Advocate
for the petitioners.

Mr. Samarth Sagar, Additional Advocate General, Haryana.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioners have invoked the extra ordinary jurisdiction under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari to quash the impugned withdrawal notice dated 22.02.2021, whereby, the posts advertised through recruitment notice no.9/2015, dated 23.07.2015, for recruitment of 1035 posts of TGT (English) has been withdrawn.

It has been noticed that the aforesaid selection was embroiled in litigation from the very beginning. A bunch of writ petitions was decided on 25.10.2017 while deciding Civil Writ Petition No.26795 of 2016 (Shikha Rani and another vs. State of Haryana and others) and other connected

petitions. Even letters patent appeals were filed. Letters Patent Appeal No.56 of 2018, decided on 17.06.2020. Letters Patent Appeal No.433 and 1861 of 2018, is stated to be pending.

Keeping in view the litigation involved, the Haryana Staff Selection Commission has published a withdrawal notice informing the applicants that the posts advertised through recruitment notice, referred to above, stands withdrawn.

Learned counsel representing the petitioners has contended that this step has been taken by the Haryana Staff Selection Commission in order to circumvent the order passed in Letters Patent Appeal No.433 and 1861 of 2018 and Civil Writ Petition No.12145 of 2019. The operative part of the order reads as under:-

“In our considered opinion, these appeals have to be heard in regular hearing and cannot be disposed of in motion hearing. In the circumstances, the appeals are admitted.

It is further directed that the selection may not be finalized.

However, learned State counsel submits that the selection are in advance stage. In the circumstances, it is directed that the case be listed for regular hearing in the month of January 2021.

In the meantime, pleadings be completed.

A photostat copy of this order be placed on the files of connected cases.”

This court has considered the submission, however, finds no merit therein. The letters patent appeal filed by the candidates is pending disposal in the Court.

It is apparent that the withdrawal notice has been issued after the State of Haryana has taken a conscious decision to withdraw the recruitment notice.

Keeping in view the aforesaid facts, the withdrawal notice

cannot be said to circumvent the interim order passed on 09.10.2020.

Hence, no ground to issue the writ is made out.

Dismissed.

March 01, 2021
Ayub/nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No