

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-8067-2020 (O&M)

Date of Decision: February 08, 2021

PARMILA DEVI AND OTHERS

..... PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS

... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ashok Bhardwaj, Advocate
for the petitioners.

Ms. Upasna Dhawan, AAG, Haryana,
counsel for respondent no.1.

Mr. Gaurav Jindal, Advocate
for respondents no.2 and 3.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

The petitioner applied for appointment to the post of Assistant Block Resource Coordinator (ABRC) in the SC category, pursuant to advertisement dated 15.06.2019 (Annexure P-1). Written examination was taken by the petitioners. The petitioners figured in the waiting list in S.C. category. Present writ petition has been filed by eight petitioners with the averment that 39 posts in the S.C. category are still lying vacant, however, the petitioners were not being offered appointment, despite being in the waiting list.

Notice of motion was issued in this petition and eight posts of Assistant Block Resource Coordinators, in the S.C. category were directed to be kept vacant. Written statement has been filed on behalf of respondents no.2 and 3. It is submitted that after declaration of the result, a number of grievances and representations were received from various candidates. Pursuant thereto a revised waiting list was prepared. Thereafter, revised waiting list prepared in view of instructions dated 20.01.1988, 07.10.1998 and 25.06.2019 was displayed by the respondents on the website on 15.07.2020. The earlier waiting list, in which petitioners were figuring, it is submitted, was somehow prepared without adherence to instructions dated 20.01.1988, therefore, revised waiting list has been prepared on the basis of 10% of total posts as per the said instructions to be valid for a period of one year from the date of declaration of result. Lockdown on account of pandemic, COVID-19 was declared, therefore, further process for appointment could not be completed. It is further submitted that as per revised waiting list, petitioners no.2, 5, and 7 fall therein. In fact, petitioner no.7 has already been offered appointment and she has joined on the post of ABRC and petitioners no.2 and 5 shall also be offered the letters of appointment. Petitioners No.1, 3, 4, 6 and 8, however, do not figure in the revised waiting list. It is categorically stated in the written statement that 39 posts in the S.C. category were lying vacant but as per government instructions dated 25.06.2019, 10 % of the total 226 posts i.e. 23 posts are to be filled up from the waiting list. 6 posts out of 23 have been kept vacant due to pendency of some writ petitions. It is explained that from the revised waiting list (in which petitioners no.1, 3, 4, 6 and 8 do not figure), 17 posts are to be filled

up. Candidates reflected at serial no.1 to 10 are stated to have been offered letters of appointment. 7 posts have been kept vacant in compliance of interim order passed in this writ petition. It is further explained that petitioner no.2 is reflected at serial no.12 in the waiting list and petitioner no.5 at serial no.17. Offer of appointment has not been forwarded to them at this stage to avoid further litigation by candidates at serial nos.11, 13 to 16 of the revised waiting list.

Heard.

Learned counsel for the petitioners is unable to deny that petitioners no.1, 3, 4, 6 and 8 do not fall in the revised waiting list, therefore, there is no question of issuance of direction to the respondents for offering appointment to the said petitioners. It is further very fairly brought to my notice by learned counsel for the petitioners that CWP Nos. 12332 and 13503 of 2020, filed by some of the candidates challenging the revised waiting list, have been dismissed on 18.11.2020. Learned counsel for the petitioners, however, submits that the respondent-authorities are not entitled to keep rest of the posts vacant having advertised 226 posts.

Admittedly, present writ petition has been filed with the petitioners contending that as 39 posts were lying vacant and their names figured in the waiting list, therefore, they are entitled to appointment. Petitioners No.1, 3, 4, 6 and 8 admittedly do not fall in the revised merit list. In my considered opinion, question of candidates who do not fall in the waiting list, raising the issue whether the State is bound to fill all the vacancies, is not a matter for adjudication in the present writ petition. There is no challenge to instructions dated 25.06.2019 in the present writ petition, which is confined to the relief for candidates in the waiting list seeking appointment.

No other argument has been addressed.

Keeping in view the specific stand taken by learned counsel for the State in respect to appointment to be offered to petitioners no.2 and 5, it is directed that letters of appointment be issued to petitioners no.2 and 5 within 10 working days of receipt of certified copy of this order. Writ petition is rendered infructuous qua petitioner no.7, who is informed to have been offered appointment and no directions are called for in case of rest of the petitioners.

Petition is disposed of accordingly.

08.02.2021
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No