

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

**CWP NO. 11126 OF 2021 (O&M)
DATE OF DECISION : 29.06.2021**

Sonia and another **...Petitioners**

Versus

State of Haryana and others **...Respondents**

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ajay Kumar, Advocate,
For the petitioners.

Mr. Sourav Mohunta, DAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioners have approached this Court seeking issuance of a writ in the nature of certiorari for setting-aside/quashing the Advertisement dated 21.05.2021 (Annexure P-13), whereby fresh recruitment to the posts of Auxiliary Nursing Midwifery (in short "ANM") and Counselor in District Kaithal, are going to be conducted during pendency of Civil Writ Petitions No.3274 and 3281 of 2020, filed by the petitioners seeking their joining on the said posts on the basis of earlier advertisement dated 17.01.2019 (Annexure P-1). Further prayer has been made to direct the respondents to issue joining letters to the petitioners for the above mentioned posts as their names were shown in the final list (Annexure P-3).

2. Learned counsel for the petitioners submits that vide advertisement dated 17.01.2019 (Annexure P-1), application for five posts of Doctor, ANM, Eye Donation Counselor, Data Manager, Counselor (on contract basis), were invited by

respondent No.3. Petitioners applied for the post of ANM and Counselor respectively. Both the petitioners after having passed the written examination as well as interview, were shown as selected candidates in the final list prepared for the above mentioned posts, but till date no appointment/ joining letter has been issued to any of the petitioners.

3. Both the petitioners filed separate writ petitions i.e CWP Nos.28200 and 28289 of 2019, which were decided vide order dated 30.09.2019 with a direction to the respondents to consider the representations of the petitioners within a period of two months and pass speaking order after affording opportunity of hearing. Pursuant thereto, both the petitioners were informed that the recruitment process qua earlier advertisement dated 17.01.2019 (Annexure P-1) has been cancelled. Hence, this petition.

4. Notice of motion.

5. Mr. Sourav Mohunta, DAG, Haryana, on service of advance copy of the petition, appears and accepts notice on behalf of respondent-State of Haryana.

6. A query was raised by this Court if any candidate, who had applied for the post of ANM and/or Counselor pursuant to earlier advertisement (Annexure P-1) has been given appointment? Learned counsel for the petitioners, under instructions, submits that as per his information one appointment has been made on the post of Eye Donation Counselor. He further concedes that none of the petitioners herein applied for the post of Eye Donation Counselor.

7. Perusal of the order dated 11.12.2019 (Annexure P-10) would reveal that an unequivocal stand has been taken therein that since the entire selection process qua the posts of ANM as well as Counselor, which were earlier advertised, has been cancelled. Thereafter, a fresh advertisement has been issued which has

been impugned herein on the ground that since one appointment was made pursuant to earlier advertisement, therefore, there could not have been a fresh advertisement. The said argument is quite insipid, and is being noted only to be rejected. It is open to the selection authorities to scrap/cancel the selection process qua the posts advertised. The same was also clearly stated in the earlier advertisement itself. It is completely irrelevant, as is argued by learned counsel for the petitioners that since one appointment on a different post, that too not even applied by petitioners, was made pursuant to earlier advertisement, therefore, rest of the selection process qua other appointments also have to be necessarily carried out pursuant to the same very advertisement. The selection authorities are/were precluded to issue a fresh advertisement, is the contention. Be that as it may, the conceded position is that appointments on the posts made pursuant to the earlier advertisement are those for which the petitioners never competed and therefore, they have no axe to grind qua selections to those posts. They are precluded to raise any grievance in respect of the same.

8. No grounds to interfere in the impugned advertisement dated 21.05.2021 (annexure P-13) is made out.

9. Dismissed.

10. It is, however, made clear that dismissal of the instant petition shall not come in the way of the petitioners to compete for the selection pursuant to the impugned advertisement herein.

JUNE 29, 2021
Shalini/SN

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No