

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

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**CWP No.11464 of 2021
Decided on : 01.07.2021**

Vikas Khatkar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sunil Hooda, Advocate for the petitioners.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present writ petition filed under Articles 226/227 of the Constitution of India the limited relief the petitioner seeks is consideration of his claim for appointment as Assistant Director (Technical)/Principal Industrial Training Institute, a Group-A post.

Relief is based on the ground that in pursuance of the Advertisement No.3 (5) of 2017 issued by the respondent No.2-Commission on 07.12.2017 (Annexure P-1), the petitioner had applied against the six General Category seats. As per the merit prepared the last candidate in the General Category at Serial No.6 had secured 70.875 marks (Annexure P-3). It is the case of the petitioner that he had secured 70.70 marks and thus was next in merit.

It is his specific case that the candidate at Serial No.4 namely Satender Singh who had secured 73.125 marks never joined and gave his unwillingness on 18.06.2021 and resultantly the post was not consumed. It is further submitted that the petitioner has also approached the respondent-Commission vide representation dated 21.06.2021 (Annexure P-4), which has not been responded, leading to filing of the present writ petition.

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Mr. Harish Kumar Nain, AAG, Haryana and Mr. Kanwal Goyal, Advocate accept notice on behalf of the respondents No.1 & 2, respectively. Soft copy of the petition be supplied to them during the course of the day.

Senior Counsel has referred to the observations of the Single Bench passed in CWP No.13215 of 2009 'Gajraj Singh Vs. State of Haryana and others' decided on 05.05.2010, wherein a person next in merit had got the relief for appointment on account of the successful candidate having refused to join. It is further submitted that appeal filed against the said order bearing LPA No.716 of 2011 'State of Haryana and others Vs. Gajraj Singh' vide judgment dated 20.04.2011, upheld the principle that the post of lecturer had to be offered to the most meritorious candidate, who may be next in merit.

It is, thus, expected that the respondent-Commission shall also take a decision on the representation, keeping in view the law settled by this Court.

Resultantly, the present writ petition is disposed of with the directions to respondent No.2 to decide the representation of the petitioner dated 21.06.2021 (Annexure P-4) within a period of six weeks from the receipt of certified copy of this order.

Disposed of.

July 01, 2021

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No