

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

CWP No. 12137 OF 2021

DATE OF DECISION : 09.07.2021

Tejpal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S. K. Malik, Advocate,
for the petitioners.

Mr. Rajneesh Chadwal, AAG, Haryana..

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioners are before this Court seeking issuance of a writ in the nature of mandamus directing the respondents to consider their claim on the posts of Laboratory Technician/Radiographer/ Ultrasound Technician advertised vide Advertisement No.15 dated 07.09.2019 (Annexure P-3) and/or to provisionally allow them to participate in the test to be held on 18.07.2021.

2. Learned counsel for the petitioners contends that petitioners are having the requisite diploma from recognised institution to be eligible for applying on post of Laboratory Technician and Radiographer/Ultrasound Technician. Vide advertisement dated 07.09.2019 (Annexure P-3), posts were advertised. Vide advertisement dated 15.06.2021 (Annexure P-6), all the posts were re-advertised in order to give chance to the persons, who acquired eligible qualification in the subsequent period. The petitioners also

filed representations (Annexures P-9 and P-10) seeking similar concession but the same has not been adverted to till date. Hence, the petition.

3. I have heard learned counsels for the parties and have gone through the records.

4. It seems that owing to the pandemic conditions prevailing for the past more than a year, the selection process for the above mentioned posts, as advertised on 07.09.2019 remained at abeyance. It is only after the situation seems to have slightly improved, further steps are now being taken to conduct the selection in accordance with the advertisement. Pursuant thereto, the written examination is slated to be held on 18.07.2021.

5. In the interregnum, many others just like the petitioners would have been awarded eligibility diplomas, even though as on cut-off date notified vide advertisement dated 07.09.2019, they did not possess the requisite qualification.

6. The claim of the petitioners that they ought to be allowed to participate cannot be accepted, as the same would create an anomalous situation, in as much as, those before this Court would be allowed but others who may have been eligible but are not before the Court are deprived of their right to participate. That apart, the delay herein, in conducting the examination cannot be attributed as deliberate. It has been caused purely due to the circumstances beyond the control of the competent authority.

7. At this stage, learned counsel for the petitioners submits that the examination which was to be held on 18.07.2021 has been deferred. The fresh date is yet to be notified later on. He submits that the pending

representation of the petitioners is under active consideration of the competent authority.

8. Be that as it may, without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to decide the pending representation by passing a speaking order, as expeditiously as possible.

JULY 09, 2021
SN

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No