

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

**CWP-23296-2013 (O&M)
Date of Decision: 06.08.2021**

Sukhminder Singh and others

....Petitioner(s)

VERSUS

State of Punjab and others

....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ramandeep Singh Pandher, Advocate
for the petitioners.

Ms. Sunint Kaur, AAG Punjab for respondent No.1.

Mr. M.L. Saggar, Senior Advocate with
Ms. Armaan Saggar Chadha, Advocate
for respondent Nos.2 to 4.

Mr. K.S. Dadwal, Advocate
for applicants in CM Nos.8906-CWP & 8907-CWP of 2021.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

CM-6958-CWP-2021

This is an application for early hearing of the main case.

Notice of the application.

Mr. Ramandeep Singh Pandher, Advocate accepts notice on
behalf of the non-applicant/petitioners and he has no objection if the hearing
of the main case is preponed.

For the reasons stated in the application, the same is allowed. With the consent of learned counsel for the parties, the main case is taken on board today itself.

CWP-23296-2013

The present writ petition was filed in the year 2013 for quashing the advertisement No.05/2013 (Annexure P-1) qua the post of Agricultural Sub Inspector (Economics Data Collection) as the qualification of B.A. with Economics for the post of Agricultural Sub Inspector (Economics Data Collection) had been omitted in the impugned advertisement although the same was mentioned as one of the required qualifications in circulars dated 09.09.2013 (Annexure P-2) and 18.09.2013 (Annexure P-3).

Subsequently, this Court on 24.10.2013 passed the following order:-

“Notice of motion for 10.12.2013.

In the meantime, if the petitioners apply for the said post, the same shall be considered by the respondents without prejudice to the rights of the parties. If during the pendency of the petition, the process of selection is completed, the result of the petitioners shall not be declared except with the permission of the Court. This order shall not be construed to confer any equitable right in favour of the petitioners.

Copy of this order be given dasti to counsel for the petitioners under the signatures of Special Secretary of this Bench.”

After the passing of order dated 24.10.2013, the University issued a fresh advertisement No.2/2019 appended as Annexure P-8 in CM-1958-2019. Since the petitioners had been permitted by this Court to

participate in the selection process, the University deemed it appropriate to call the other similarly situated candidates also by way of advertisement No.02/2019. In the said advertisement No.02/2019 it is clearly mentioned that the candidates who had already applied in response to the advertisement No.05/2013 need not apply again. The petitioners admittedly participated in the selection process. It was brought to the notice of this Court that the selection process has since been concluded and permission was sought from this Court to open the result which was received in a sealed cover. Vide order dated 02.12.2019, oral permission was allowed and the University was permitted to declare the result, however, it was directed that status quo be maintained in pursuance to the said result till the next date of hearing.

Mr. M.L. Saggar, learned Senior Counsel, assisted by Ms. Armaan Saggar Chadha, Advocate appearing on behalf of respondent Nos.2 to 4 would contend that though the result was declared in the year 2019, till date appointment letters have not been issued due to the status quo order dated 02.12.2019 passed by this Court. He would further contend that the petitioners had participated in the selection process, which was a written examination, and had not scored the qualifying marks.

Mr. K.S. Dadwal, learned counsel appearing on behalf of the applicants in CM Nos.8906-CWP and 8907-CWP of 2021, has contended that the result of the petitioners in a tabulated chart has been annexed as Annexure P-5/2 with CM-8907-2021 wherein the comparative marks of the petitioners and those received by the private respondents have been mentioned.

Learned counsel for the petitioners is not in a position to deny that the petitioners had participated in the selection process and further that the result declared by the University has not been challenged by the petitioners till date. He is also not in a position to deny the fact that the petitioners do not figure on the merit list of said selection carried out.

At this stage, learned counsel for the petitioners seeks permission to withdraw the present writ petition with liberty to the petitioners to avail their remedies as available in law.

Permitted to do so.

Dismissed as withdrawn with the liberty aforesaid. All other pending applications stand disposed off.

(ALKA SARIN)
JUDGE

06.08.2021

Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO