

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

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**CWP No.20350 of 2021**  
**DATE OF DECISION : 6<sup>th</sup> OCTOBER, 2021**

**Satbir Singh**

**.... Petitioner**

**Versus**

**Union of India through Secretary Ministry of Defence South Block,  
New Delhi & others**

**.... Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

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**In virtual Court**

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Present : Mr. Rakesh Bakshi, Advocate for the petitioner.

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**RAJBIR SEHRAWAT, J. (Oral)**

The petitioner has filed this petition under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of certiorari for quashing letter dated 27.01.2021 (Annexures P-4) issued by respondent No.3 vide which the arbitrary provision of limiting of the contractual duration to maximum of six engagements of 11 months each, is made for contractual employees, along with certain other prayers.

Notice of motion.

Mr. Arun Gosain, Senior Panel Counsel, accepts notice on behalf of the respondents-Union of India and has pointed out that the petitioner had participated in the process of selection. However, he had failed to come up to the mark. Therefore, he could not be selected as per

his merit. Having failed in the competitive process of selection, the petitioner has filed the present petition. The counsel has relied upon the judgment of this Court passed in **CWP No.5661-2017** titled as ***Virender Dhanda versus Union of India & others*** vide order dated 02.06.2017, to submit that having participated in the process of selection, the petitioner cannot challenge the result, as such, only on the ground that he could not make it to the cut. Hence, the present petition itself is liable to be dismissed. Otherwise also; it is submitted that; all the posts available in the cadre where the petitioner was working, already stand filled up. There is no vacancy, qua which the petitioner can stake claim any more.

It is not even disputed by the counsel for the petitioner that the process of selection, pursuant to the advertisement dated 21.06.2021 (Annexure P-8), stands completed. The persons selected in that selection process already stand appointed. They have already joined their assignments pursuant to their selection.

Having heard the counsel for the parties, this court finds substance in the argument of the counsel for the respondents to the effect that having participated in the process of selection; the petitioner cannot be permitted to challenge the result, as such, only because the same is not palpable to him. It is not even the case of the petitioner that any wrong criterion was adopted by the respondents for carrying out the process of selection. Rather, the case of the petitioner is to challenge another letter dated 27.01.2021, which acted as precursor to the advertisement and selection process by restricting the contractual tenure of earlier incumbents of the post to maximum six engagements of eleven months each. Therefore, the net claim of the petitioner now is that he could not

have been even removed from the contractual engagement on the basis of the arbitrary letter dated 27.01.2021. However, this court does not find any substance in this argument. Undisputedly, the petitioner was working on contractual basis only. If the petitioner had any grievance against letter dated 27.01.2021, he should have challenged the validity of the same well before the start of the process of fresh selection. However, the present petition has been filed only after declaration of the result of the selection, in which the petitioner had also participated; but failed. All the posts now stand filled up through competitive selection process. Hence, the petitioner cannot now maintain challenge to letter dated 27.01.2021.

In view of the above, finding no merit in the present petition, the same is dismissed.

**6<sup>TH</sup> OCTOBER, 2021**  
'raj'

**(RAJBIR SEHRAWAT)**  
**JUDGE**

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|-----------------------------------|------------|-----------|
| <i>Whether speaking/reasoned:</i> | <i>Yes</i> | <i>No</i> |
| <i>Whether Reportable:</i>        | <i>Yes</i> | <i>No</i> |