

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

CWP-3112-2021

Date of decision: 29.11.2022

SANGEETA AND ORS

...Petitioners

VS

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- None for the petitioners.

Ms. Mamta Singla Talwar, DAG, Haryana.

Mr. Sanjiv Kumar Aggarwal, Advocate and
Mr. Tejas Bansal, Advocate
For respondent No.3.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus directing the respondents to regularize the services of the petitioners in light of the fact that petitioners have been working continuously for the last two years on the post of Staff Nurse without any break on D.C.Rates/contractual basis.

2. I have heard learned State counsel and gone through the case file.

3. Following stand has been taken in para 8 of the preliminary submissions in the reply filed on behalf of the respondents No.1 and 2:

“8. That the Hon'ble High Court passed interim order in the instant Civil Writ Petition on dated 11-02-2021 that till the next date of hearing, status quo with regard to appointment of petitioners shall be maintained till regular selection is made and further that Learned State Counsel to get instructions with respect to the fact that whether regular selection process has been initiated. It is submitted that the order of status quo may be vacated on the ground that the regular selection process to the post of Staff Nurse has already been completed and the

petitioner have already availed the opportunity to participate in the recruitment process but they could not qualify the written test and the candidates who have qualified, their recommendation of the selection committee was sent to Additional Chief Secretary to Govt. of Haryana, Medical Education and Research Department vide letter memo no. UHSR/Rectt./2021/1074 dated 12-02-2021 by the Pt. B.D. Sharma University of Health Sciences, Rohtak/ PGIMS, Rohtak (a copy of the letter is enclosed as Annexure R-6). Thus, the Civil Writ Petition is liable to be dismissed.”

4. Neither additional affidavit nor replication has been filed *qua* the stand taken in the return, which remains uncontroverted.

5. Petitioners, having themselves participated in the process of regular selection for the post in question and having failed to secure regular appointment, cannot now turn around to challenge the selection of the regular appointees and seek continuation of their services on contractual basis in perpetuity.

6. Even otherwise, on a previous hearing i.e., 06.04.2022, time was sought to file replication. Subsequently, on hearing dated 07.09.2022, none appeared for the petitioner. Same is the position even today.

7. In the premise, no further grounds are made out to interfere.

8. Dismissed.

(ARUN MONGA)
JUDGE

November 29, 2022

vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No