

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

CWP-5108-2001

Date of decision: 01.12.2022

Suman Rani and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA****Present:** Mr. H.S.Saini, Advocate,  
For petitioner No.2.

Mr. R.D.Sharma, DAG, Haryana.

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**ARUN MONGA, J. (ORAL)**

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari for quashing the order dated 19.03.2001 (Annexure P-4) whereby claim of the petitioner for appointment on the post of 'Pharmacist' was rejected.

2. Facts as pleaded in the petition. Haryana Staff Selection Commission issued a notice for recruitment to the post of Pharmacist (Health Department). Petitioners applied for the posts and they were called for interview. Respondents published the result on 27.04.1999 (Annexure P-2) declaring the result of 101 posts out of 110 posts. The petitioners contend that several illegalities and infirmities were committed by the respondent commission and in the selection process and consequently the action of the respondents was challenged by filing CWP No.6263-1999. The said writ petition was disposed of by this Court vide order dated 30.01.2001 whereby direction was given to the respondents to consider the case of the petitioners on the basis of their merit in the selection list in respect of remaining posts for which no recommendation was made by the Commission (Respondent No.3). Pursuant to the orders of this Court dated 30.01.2001, the case

of the petitioner was considered by respondent No.3 by passing a speaking order dated 19.03.2001 which the petitioners challenged in the present writ petition.

3. Matter was taken up for hearing on 13.09.2022, following order was passed:-

*“Perusal of order sheet reveals that no one has been appearing on behalf of petitioners No.1 and 3. Same is the position today. Petition is, accordingly, dismissed in default qua them. Registry to take steps accordingly.  
Post it on 19.10.2022, for arguments.”*

4. In view of above, petition thus survives only qua petitioner No.2.

5. In the context of claim of petitioner No.2, following specific stand has been taken in para 2 of the preliminary objection in the written statement filed on behalf of respondents No.1 and 2:-

*“2. That the Hon’ble High Court vide its judgment dated 30.01.2001 (Annexure P-3) directed the respondents to consider the case of the petitioners on the basis of their merit in the selection list in respect of the remaining posts for which no recommendation was made by the commission. Pursuant to said judgment the case of the petitioners has been considered and passed the impugned order dated 19.03.2001 (Annexure P-4). It is further submitted that the respondent No.2 sent a requisition dated 10.03.1998 to the Haryana Staff Selection Commission (Respondent No.3) to fill up 110 posts of Pharmacists. In this requisition, 55 posts were meant for general category and 8 posts for BC-B category. The answering respondent No.3 i.e. the Haryana Staff Selection Commission recommended the names of 101 candidates in selection zone and 17 in the waiting list vide their letter No. HSSC-confd-99/374, dated 27.04.1999. The Haryana Staff Selection Commission had not recommended the names of 9 candidates belonging to the Ex-Servicemen category due to non-availability of candidates. As per requisition, 55 candidates of general category and 8 of BC-B category along with other remaining categories candidates have been offered appointment and all the candidates have joined their duties. No candidate from the waiting list have been offered appointment. Therefore, petitioners No.1 and 2, who are at Sr. No.1 and 5 in the waiting list, have no valid claim for appointment in accordance with the Govt. Instructions contained in letter No.42/58/98-5GSI, dated 07.10.1998, a copy of which is attached as Annexure R-3/1. Petitioner No.3 is unselected candidate and as such he has no claim for appointment. The none of the petitioners belongs to ESM Category, so they cannot be offered appointment against the vacancies meant for ESM.*

*In view of this the writ petition is liable to be dismissed.”*

6. The above position remains uncontroverted as no additional affidavit and/or replication has been filed. On the short ground of the uncontroverted stand taken hereinabove, no grounds are made out to interfere. In any case having perused the return and the stand taken therein, I find no irregularity either in facts or in law so as to warrant any interference on the merits of the selection process. Dismissed.

**(ARUN MONGA)**  
**JUDGE**

**December 01, 2022**

Vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No