

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6734-2022

Date of Decision: 02.05.2022

SUMAN RANI

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Sharan Sethi, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein seeks issuance of an appropriate writ and/or order or direction commanding the respondents to cancel the contract of respondent No.5 by terminating her services from the post of ANM under National Urban Health Mission scheme being lower in merit than the petitioner.

2. Learned counsel for the petitioner submits that in the selection process that took place in year-2014 for the post of ANM under National Urban Health Mission, the petitioner was not selected even though she was more meritorious than respondent No.5. 20 marks were wrongly awarded to respondent no.5 for being local resident. Whereas, she was entitled for only 10 marks as per the criteria. Learned counsel further submits that if just 10 marks were awarded to respondent No.5, the petitioner would have been selected instead of her. Qua her grievance, the petitioner submitted a representation as well as legal notice but to no avail.

3. On advance service, learned State counsel strenuously opposes the petition on the ground that writ is not maintainable.

4. I have heard learned counsel for the parties and gone through the case file.

5. Concededly, the job in question, is not a regular appointment but merely on contract basis under the National Urban Health Mission. In

the matters of contract, the aggrieved parties' rights are confined to the terms of contract. The petitioner is, therefore, at liberty to seek appropriate civil remedy as may be available to her under law. In any case, perusal of the enquiry report dated 10.01.2022 (Annexure P-7) reveals that it was only in the year-2021, after a gap of almost 4 years, when the petitioner for the first time made grievance qua the selection of respondent No.5. On account thereof, on the ground of sheer delay and laches also, this Court is not inclined to interfere.

6. However, the respondents are at liberty, if they so wish, to proceed in accordance with law to consider the enquiry report dated 10.01.2022 (Annexure P-7). In case of any such contemplation, needless to say that the person to be appointed in place of respondent No.5 would be in accordance with merit list qua advertisement (Annexure P-1) pursuant to which, the entire selection was made. Conversely, in case, the respondents wish to fill up the said vacancy in future recruitment, needless to say that the petitioner shall be at liberty to compete qua the same.

7. Dismissed.

May 02, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No