

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

129

CWP No.9745 of 2022 (O&M)
DATE OF DECISION: 09th MAY, 2022

Tejender Kumar

.... **Petitioner**

Versus

Union of India, Ministry of Defence New Delhi and others

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Jangit Singh Dahiya, Advocate,
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari to quash the impugned advertisement dated 06.01.2022 (Annexure P-9), vide which the post against which the petitioner is working since last many years; has been advertised, with a further prayer that the practice adopted by the respondents be quashed, vide which the respondents are compelling the petitioner to undergo interview again & again and non-payment DA etc., with certain other prayers made in the present petition.

It is submitted by the counsel for the petitioner that the respondents are conducting fresh selection for the post on which the petitioner is already working on contract basis. The respondents cannot replace the petitioner with another contractual employee and, therefore,

the respondents deserve to be restrained from conducting the process of selection and from terminating the service of the petitioner.

Notice of motion.

Mr. Arun Gosain, Advocate, accepts notice on behalf of the respondents and has pointed out that the process of selection pursuant to the advertisement in question has already been completed. The selected person has already been issued the appointment letter on 07.05.2022. The petitioner had even participated in the process of selection. Having failed in the selection, the petitioner cannot question the process of selection simply because the result has not been to his liking. The counsel has relied upon the judgment of this Court passed in ***CWP No.5661 of 2017 titled as Virender Dhanda Versus Union of India and others, decided on 02.06.2017*** in this regard.

Having heard the counsel for the parties, this Court does not find any substance in the argument raised by the counsel for the petitioner. It is not even disputed that the respondents had issued a public advertisement for selection and recruitment of a candidate on the post in question. The petitioner has also participated in the said selection process. However, he has failed to come up to the mark. Having participated in the process and having not come upto the mark, the petitioner cannot take a turn round and question the result of the selection only because he has not been able to get selected. This Court finds reliance of the counsel for the respondents upon the aforesaid judgment rendered by this Court in ***Virender Dhanda (supra)*** to be well placed. Moreover, the person, who has been selected in the process of selection,

has already been issued the appointment letter. With this, the process stands completed.

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

09th MAY, 2022
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

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