

In the High Court of Punjab and Haryana at Chandigarh

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CWP-10961-2022 (O & M)

Date of Decision: May 23, 2022

PARVEEN KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Manoj Makkar, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking a writ in the nature of certiorari for quashing the communication dated 30.11.2021 whereby case of the petitioner for appointment to the post of Assistant Supervisor has been rejected.

Learned counsel for the petitioner contends that the petitioner has applied for the post of Assistant Supervisor in response to the advertisement issued in the year, 2012. The petitioner would have been at serial No.1 in the waiting list but the respondents did not prepare the waiting list. Services of the selected candidates had later been terminated and, therefore, the petitioner should have been appointed in his place. In support of his submission, he has relied upon the judgments of this Court in the case of **Suman Rani vs. State of Haryana and others**, 2016 (4) SCT 361 and **Arun Singh and others vs. State of Haryana and another**, 2018 (1) SCT 48.

Heard.

The petitioner is stated to have applied for the post of Assistant Supervisor in response to the advertisement issued on 01.02.2012. The interviews were conducted on 06.04.2012 and selection was finalized thereafter. The petitioner did not find a place in the merit list. The services of one person namely Amrender Singh were terminated in the year 2016. The

petitioner has preferred this petition in the year 2022. The validity of the waiting list could be 06 months or one year. The post had fallen vacant only after 04 years of the selection. The petitioner has approached this Court 06 years thereafter. Although the petitioner is stated to have filed representations before the respondents but the same cannot be of any help to the petitioner for the reasons that selections have already been made and the validity of the waiting list would have expired long time back.

The judgments relied upon by the learned counsel for the petitioner are distinguishable on facts as in those cases the candidates had approached the Court promptly unlike the petitioner, who has filed the petition after almost a decade. In **Suman Rani's** case (supra), the petitioner therein had applied for the post of Agriculture Development Officer. The final result was declared on 16.07.2012. Waiting list was prepared wherein petitioner was at serial No.6. Candidates at serial No.1 to 3 from the waiting list were absorbed before the waiting list expired on 22.07.2013. Three other selected candidates did not join but their candidature was not cancelled and the vacancies were not offered to others in the waiting list although the waiting list was operational. The petitioner approached the Court in 2014. It was held that the inaction of the Government in not cancelling their candidature in a timely fashion i.e. before the waiting list elapsed caused prejudice to the rights of the petitioner therein.

In **Arun Singh's** case (supra), the petitioners had applied for the post of Post Graduate Teacher (PGT) in response to the advertisement dated 07.06.2012 and the result was declared on 30.09.2013. Despite being given a second notice, some of the selected candidates did not join. The petitioners had been staking their claim against the unfilled seats when their request for

consideration was denied on the ground that no waiting list had been prepared by the respondent-Board. The petitions were filed immediately in the year 2014. However, in the instant case, the petitioner has approached this Court after about a decade of the selection process.

Consequently, I do not find any merit in this petition, which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

May 23, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No