

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

Sr. No.206

CWP No.14837 of 2015

Date of Decision: 22.07.2022

Vinod Kumar and another

.... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajesh Bansal, Advocate for the petitioners.

Mr. Kiranpal Singh, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

The present petition has been filed challenging the results dated 13.07.2015 (Annexure P-8 colly), which have been declared in respect of the Advertisement No.2/2012 dated 08.11.2012 (Annexure P-2).

Learned counsel for the petitioners argues that 415 posts out of the advertised posts were meant to be reserved for physically handicapped persons but after the declaration of the results, the same have been transferred to the General Category candidates.

The present petition was filed in the year 2015. There was no interim order in favour of the petitioners and the selection process in pursuance to the Advertisement No.2/2012 dated 08.11.2012 has already attained finality and the learned counsel for the petitioners has not been able to substantiate that the process of selection and appointment in respect of the Advertisement No.2/2012, has not attained finality.

Once, the candidates have already been appointed against 415 posts and those selected candidates, who are already working, are not party to the present petition, no relief can be given to the petitioners in the absence

of the parties, who are likely to be affected in case, prayer of the petitioners as raised in the present petition is accepted. It is a settled principle of law that unless and until all the parties likely to be affected by the outcome of a petition, are impleaded as respondents, no prayer can be entertained against them. Hon'ble Supreme Court of India while passing judgment in Civil Appeal No.3005 of 2000, decided on 27.04.2000 titled as State of Bihar versus Kameshwar Prasad Singh, has observed that in the absence of party likely to be affected by the relief prayed for, the writ petitions should normally be dismissed. The relevant paragraph of the said judgment has been reproduced as under:-

“22. It appears that the High Court totally lost sight of the fact that in his petitions filed from time to time Brij Bihari Prasad Singh had not impleaded any of his seniors as party-respondents. In the absence of persons likely to be affected by the relief prayed for, the writ petitions should have normally been dismissed unless there existed specific reasons for non-impleadment of the affected persons. Neither any reason was assigned by the writ petitioner nor the Court felt it necessary to deal with this aspect of the matter. Ignoring such a basic principle of law has resulted in the supersession of 168 Inspectors and 407 Dy. SPs. The writ petition filed by Brij Bihari Prasad Singh being totally misconceived, devoid of any legal force and prayers made being in contravention of the rules applicable in the case deserved dismissal, which was unfortunately not done with the result that the interests of many seniors have been threatened, endangered and adversely affected. The appeal of the State has, therefore, to be allowed by setting aside the impugned judgment.”

Keeping in view the fact that the candidates selected against 415 posts have not been impleaded as respondents in the present petition, no relief can be granted to the petitioners and accordingly, the present petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

22.07.2022
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No