

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

CWP NO. 26995 OF 2022

DATE OF DECISION: 24.11.2022

Rakesh Kumar Asht
Versus

...Petitioner

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ashwani Talwar, Advocate,
For the petitioner.

Mr. Pankaj Middha, Addl. AG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of quo-warranto/certiorari, inasmuch as, in response to advertisement dated 06.04.2022 (Annexure P-1) as against two posts of members of Haryana Real Estate Regulatory Authority, total of four members (respondents No.4 to 7) have been appointed vide impugned order dated 30.08.2022 (Annexure P-4). Thus, allegedly, appointment of at least two members is *per se* illegal, being in excess of advertisement and to that extent, order (Annexure P-4) is liable to be quashed. Further allegation has been made that private respondents No.4 and 5 do not fulfil the minimum eligibility criteria for selection and appointment to such post and thus, their appointment is void *ab initio* on that count.

2. Pledged case of the petitioner is that vide re-advertisement dated 06.04.2022 (Annexure P-1), applications for appointment were invited. It was specifically mentioned that the candidates who had applied earlier, need not

apply again. Four members of HRERA (i.e. respondents No.4 to 7) have been appointed, whereas there were only two posts advertised. It is further pleaded that respondents No.4 and 5 also lack qualification as per Section 22 of the RERA Act, 2016. *Qua* his aforesaid grievance, petitioner also served legal notice-cum-representation dated 19.09.2022 (Annexure P-10), but same was never adverted by the respondents. Hence, the instant petition.

3. On court query, it emerges that concededly, petitioner, let alone being an unsuccessful contender, did not even apply for the post in question. Nor even otherwise, he claims that he though submitted his application but it was not entertained. Merely on the *ipse-dixit* of certain information, purportedly obtained through RTI, petitioner has ventured into some sort of fishing expedition alleging that candidates did not possess the requisite qualification and/or were not meritorious enough, but yet have been appointed.

4. Having heard the arguments, the writ petition, being devoid of merits, is dismissed on following three counts:

a) petitioner not being a contender has no personal interest to assail the appointments;

b) neither is there any statutory nor any constitutional right of the petitioner impinged so as to seek the enforcement thereof;

c) It is not even the pleading that petitioner, being a citizen and member of public, is seeking indulgence in public interest.

None of the counts, as noted above, make out a case for interference by this Court under extra ordinary jurisdiction.

5. In the parting, I may also hasten to add here that credentials of the petitioner are also highly suspect. He self-proclaims himself to be a renowned journalist having spent 15 years in the profession. On a Court query, he is really unable to satisfy as to what is his contribution in the field of journalism, either as a columnist or author or reporter in any national or leading and/or any well

accredited newspaper or any other print media. Neither any supporting material has been appended nor even could be found on making a search on the internet in the course of hearing.

6. Confronted, learned counsel for the petitioner submits that petitioner is reporter in a newspaper called "*Sabhi Samanta*". This Court, in the lighter vein, observed that even if just "one person" sitting in the Courtroom knows about the said newspaper, the petitioner will be given the benefit of doubt. On a random enquiry, neither any one of the counsels nor any other person acknowledged having heard of any such newspaper.

7. Be that as it may, the instant writ petition is dismissed.

NOVEMBER 24, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No