

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

CWP No.26556 of 2022

Date of Decision.16.12.2022

Sukhchain Singh

...Petitioner

Vs

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Devansh Khanna, Advocate
for the petitioner.

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JAISHREE THAKUR J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing respondent No.2 to appoint petitioner on the post of Project Director, as the petitioner is meritorious and eligible for the said post.

In brief, the facts are that the petitioner served and retired as an Ex-serviceman from the Indian Army. He also served as Headmaster of Government High School, Lehroon from 11.12.1997 to 12.05.2014. Respondent No.2 issued a public notice dated 01.01.2014 inviting eligible candidates for the post of Project Director in the Society for Promotion of Quality Education for Poor and Meritorious Students of Punjab. The petitioner duly filled in his online application under the category of B.C. (Ex-Serviceman). A merit list was prepared in which name of the petitioner was shown to be at Sr. No.1 and Major General K.A.S. Bhullar (retd) was shown at Sr. No.7. The eligible candidates including petitioner were called for interview. The petitioner submitted all his relevant documents and was sanguine that he having all necessary qualifications would be appointed. However, to the surprise of the petitioner, the respondent-Society appointed

Major General K.A.S. Bhullar, who stood at Sr. No.7 in the merit list. The petitioner sought information under the RTI Act and thereafter, submitted application to the Chief Minister of Punjab for redressal of his grievance about the mismanagement of respondent No.2-Society in conducting its statutory duties and selecting a person, who is not competent for the said post. Aggrieved against the action of respondent No.2-Society in not appointing the petitioner, present writ petition has been filed.

Learned counsel appearing for the petitioner would contend that the petitioner had necessary qualifications and experience to be appointed on the post of Project Director. The petitioner was placed at Sr. No.1 in the merit list whereas Major General K.A.S. Bhullar, who was placed at Sr. No.7, was offered appointment. It is further contended that said Mr. Bhullar used his political influence in order to illegally occupy the post of Project Director. It is submitted that as on date, Major General K.A.S. Bhullar has left the job and, therefore, petitioner herein ought to be appointed against the said post.

I have heard learned counsel for the petitioner and find no ground to interfere in the instant writ petition. It is not in dispute that a public notice was issued for appointment of Project Director under the Society for Promotion of Quality Education for Poor and Meritorious Students of Punjab. In the details of candidates, who applied for the post of Project Director, name of petitioner-Sukhchain Singh was reflected at Sr. No.1, as would be evident from Annexure P-8, however, a reading of the said annexure does not reflect that name of the petitioner was reflected at Sr. No.1 on account of his merit. In fact, his registration number was PD600015 and that is why he was placed at Sr. No.1. Other candidates were

having registration Nos.PD600029, PD600031, PD600049, PD600063 and thus, placed at Sr. Nos.2 to 5 respectively and so on. Even the information received under the RTI Act by the petitioner does not reflect that the petitioner was at Sr. No.1 in the merit list. Though not pleaded, it is argued that Major General K.A.S. Bhullar is no longer working against the said post. However, this Court is unable to issue a writ in the nature of mandamus in the instant case directing the petitioner herein to be appointed in place of Major General K.A.S. Bhullar. The post in question was advertised as far back as 2014 and in case, Major General KAS Bhullar was appointed against the said post as Project Director, the post stands consumed and would not be deemed to be vacant for any mandamus to be issued.

In view of the aforesaid facts and circumstances, the writ petition being devoid of merit is hereby dismissed.

(JAISHREE THAKUR)
JUDGE

December 16, 2022

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No