

CWP-40660-2018 (O&M)

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

**CWP-40660-2018 (O&M).
Decided on: May 6, 2022.**

Guriqbal Singh

.. Petitioner

VERSUS

Union of India and others

.. Respondents

*** * ***

**CORAM: HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI**

*** * ***

PRESENT None for the petitioners.

**Mr.Piyush Bansal, Advocate,
for respondent Nos.1 to 3.**

G.S. SANDHAWALIA, J. (ORAL)

Challenge in the present writ petition is to the order dated
22.11.2018 (Annexure P-4) passed by Chandigarh Administrative Tribunal,
Chandigarh, wherein the original application was dismissed whereby
challenge had been raised to the cancellation of the recruitment process of

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GDS BPM, Bhin, in pursuance of the memorandum/order dated 23.10.2017, Gramin Dak Sewak Branch Post Master. The applicant/writ petitioner was at Sr. No.1 but had not been granted the appointment on account of the fact that his caste was not mentioned in the application form and his educational qualification i.e. Prathama Examination has been conducted by Hindi Sahitya Sammelan, Allahabad, and the same was to be verified as such. As the second candidate also refused to join, so the offer was made to the 3rd candidate Ms.Reena. In the meantime, the genuineness of the certificate of the petitioner was confirmed and the engagement of the candidate at Sr. No.3 was cancelled as per the rules. Thereafter, the entire selection process was cancelled vide the impugned order (Annexure P-9).

The Tribunal has resultantly held that the applicant has no right to seek appointment to the post in the given facts once the application was not submitted in proper proforma and therefore, once said selection process has been cancelled, there was no such right to seek appointment. Reliance can be placed upon the judgments of the Hon'ble Apex Court in *Shankaran Dash Vs. Union of India, 1991 (3) SCC 47,* *State of Madhya Pradesh Vs. Sanjay Kumar Pathak (2008) 1 SCC (L&S) 207* and *S.S. Balu and another Vs. State of Kerala and others, (2009) 1 SCC (L&S) 388,* in support of the said order.

Keeping in view the above, we are of the considered view that the view as such which is taken by the Tribunal does not suffer from any infirmity inasmuch as the candidate has only a right of consideration as such and the selection process has been cancelled. The writ

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petitioner as such cannot claim an absolute right of appointment in such circumstances. We are of the view that the Tribunal has not acted in any illegal manner and the order does not suffer from any illegality or perversity which would warrant interference under Article 226 of the Constitution of India and the writ petition is accordingly, dismissed.

(G.S. SANDHAWALIA)
JUDGE

May 6, 2022.
raj arora

(VIKAS SURI)
JUDGE

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