

2023:PHHC:037351

**115-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1.CWP-3927-2022 (O&M)

Sanjeev Rai

....Petitioner

Versus

State of Punjab and others

..Respondents

2.CWP-3280-2023 (O&M)

Gurpreet Singh and others

....Petitioners

Versus

State of Punjab and others

..Respondents

Date of decision: 03.03.2023

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.S.Grewal and
Ms. Prabhnoor Kaur Bains, Advocate for the petitioner
in CWP-3927-2022

Mr. K.L.Arora, Advocate for the petitioners
in CWP-3280-2023

Mr. R.K. Kapoor, Addl. AG, Punjab

Mr. Sahil Kumar, Advocate for
Mr. Nitin Kaushal, Advocate for Baba Farid University
in both the petitions.

ANIL KSHETARPAL, J (Oral)

1. By this order, two connected writ petitions i.e CWP-3927-2022 and CWP-3280-2023 shall stand disposed of.
2. The relevant facts, in brief, are required to be noticed.
3. Pursuant to the recruitment notice issued on 12.12.2016, inviting applications for filling up 1263 posts of the Multiple Purpose Health Workers, the petitioners applied for the said post and a written test was held for the purpose of selection.

4. The petitioners in CWP-3280-2023 pray for issuance of a writ in the nature of Mandamus to direct the respondents to issue them the appointment letters, as advertised posts in general category, are still lying vacant.

5. On the other hand, the petitioner in CWP-3927-2022, prays for direction to the respondents to issue the appointment letter on the basis of merit list.

6. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

7. In CWP-3927-2022, the respondents have filed a reply while disclosing that the petitioner as well as one Vijay Kumar, have secured 412 marks, however, Vijay Kumar, being elder, was offered an appointment by the appointing authority.

8. Learned counsel representing the petitioners in CWP-3280-2023 admits that no candidate from the general category, having secured lesser marks than the marks obtained by the petitioner, has been offered an appointment.

9. Learned counsel while referring to the assertions made in para 7 and 8 of the writ petition submits that the respondents are not filling up the vacancies on account of the pendency of CWP-3927-2022, which is also being disposed of.

10. As per the learned State counsel, on instructions from Sh. Rajesh Sood, Senior Assistant, Director of Health Department, Punjab, the last candidate was appointed on 05.11.2018, under the aforesaid recruitment notice.

11. Thus, it is evident that no candidate lower in merit than the petitioners has been appointed in both the petitions. Merely because a large number of posts were advertised by the concerned authority, it would not be sufficient to issue the writ to the respondents, to appoint the petitioners. Even after the selection, a selected candidate has no right to force the appointment on the basis of selection. Reliance in this regard can be held on '*Mani Subrat Jain etc. vs. State of Haryana and others*' *1977 SCC (1) 486*.

12. Consequently, at this stage, the writ petitions are disposed of. However, in future, in any candidate lower in merit than the petitioners, is appointed, they shall have fresh cause of action to come to the Court for redressing their grievance.

13. All the pending miscellaneous applications, if any, are also disposed of.

03.03.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE