

CWP-4987-2021 (O&M)

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. 2023:PHHC:119901

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

244

CWP-4987-2021 (O&M)

Date of Decision :-12.09.2023

Meera Kaur

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gurinder Pal Singh, Advocate for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, the grievance of the petitioner is that the petitioner, who was second in the waiting list for the post of Junior Coach (Taekwondo) could have been offered the post, which has been vacated by the candidate namely, Krishan Kumar, who was at Sr. No.1 in the category in which the petitioner was competing.

As per the facts mentioned in the petition, the petitioner competed for the post of Junior Coach (Taekwondo) in pursuance to advertisement No.1/2015. As per the advertisement, there were four posts in the general category to be filled up. After the selection process, the petitioner could not get selected against the advertised post and was placed at Sr. No.2 in the waiting list in respect of the post of Junior Coach (Taekwondo). One Krishan Kumar, who was selected in the general category did not join the post in question and the claim of the petitioner is

that against the said vacant post, the petitioner be given appointment and non-offering of the said post to the petitioner has caused prejudice to the petitioner hence, a direction needs to be issued to the respondents to appoint the petitioner, being a candidate at serial No.2 in the waiting list.

After notice of motion, reply has been filed by the respondents wherein, it has been mentioned that as per the rules, any waiting list framed for a particular post will remain valid for a period of one year from the date of declaration of result whereas, in the present case, selected candidate Krishan Kumar refused to join the post after a period of one year, two months and seven days and by that time, validity of the waiting list got expired hence, no one from the waiting list could have been offered the said vacant post.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, the petitioner did not make cut for selection within the post advertised keeping in view his merit and was placed on Sr. No.2 in the waiting list. As per the facts, one post in the general category offered to one Krishan Kumar remained vacant as he failed to join. It has further come on record that the said Krishan Kumar refused to join the post in question after the period of one year and two months.

That being so, the waiting list which was only valid for a period of one year after the declaration of result had already expired by the time Krishan Kumar vacated the post hence, no one in the waiting list could have been offered the appointment after the said Krishan Kumar failed to join.

Even otherwise, once the seat has been left vacant, hence, even

if it is assumed that post against which Krishan Kumar did not join is to be filled up from the waiting list then also the petitioner, who was at Serial No.2 in the waiting list could not be appointed.

Keeping in view the facts and circumstances noticed hereinabove, non-offering of the post vacated by one Krishan Kumar to the candidate from the waiting list needs no interference by this Court.

Dismissed.

September 12, 2023

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No