

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

201

LPA-546-2023(O&M)
Date of decision: 18.10.2023

Amarjeet Singh

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MS.JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE AMAN CHAUDHARY**

Present: Mr.SS Deol, Advocate, for the appellant

Mr.VM Gupta, Additional Advocate General, Punjab

AMAN CHAUDHARY, J.

1. The present intra-court appeal, under Clause X of the Letters Patent, has been filed against the judgment dated 18.04.2023, vide which the civil writ petition preferred by the appellant came to be disposed of.

2. The learned counsel contends that the appellant was wrongly denied the appointment to the post of Revenue Patwari, despite the fact that he had secured 48.5 marks in the written examination. The writ petition was disposed of on the premise that since he had opted for the Revenue Department, he could not be considered for the post of Canal Patwari. In order to rebut the said finding he has placed on record as Annexure A-1, a part of the Application Form.

3. The learned State counsel while placing reliance on the short reply filed by way of affidavit of Deputy Director, Land Records, Punjab would submit that the appellant did not attend the counselling on 13.12.2016 and 15.12.2016,

while upon another opportunity afforded to him to participate in the same on 16.12.2016, he failed to bring along the certificate from the competent authority to substantiate his claim against the Scheduled Caste category. Thereafter, on 20.12.2016, when yet another opportunity was granted, he came late. However still, his documents were examined and during the said process, he gave the option of the Revenue Department, whereas, no vacancy in the said category was left, whereafter, he submitted his acceptance of having made a mistake and that he was ready for his name to be kept in the waiting list. He was unable to secure an appointment in absence of any vacancy in the Revenue Department. In so far as the assertion of the appellant is concerned of having not opted for the said Department, a colour photocopy of his application form has been produced on the record as Annexure R-2, indicating his option. The relevant portion of the reply reads thus:

“...The first counselling was held on 13.12.2016, however, the appellant/ petitioner was not called since candidates placed higher in the merit list were invited. However, in the second counselling which was held on 15.12.2016, the appellant/ petitioner was invited. However, appellant/ petitioner did not attend the said counselling. Thereafter, another opportunity was afforded to appellant/ petitioner to attend the counselling which was held on 16.12.2016, which he though attended, however, appellant/ petitioner did not bring certificate from the competent authority proving that he was entitled to reservation under Scheduled Caste category.

Thereafter, vide public notice dated 16.12.2016, another opportunity was afforded to the candidates to attend the counselling on 19.12.2016. However, still appellant/petitioner did not attend. Thereafter, on 20.12.2016, the appellant/ petitioner though came late, however, his documents were examined. During the said process, the appellant/ petitioner gave his option in the ‘Revenue Department’. In other words, the appellant/ petitioner opted for appointment as Revenue Patwari. Whereas no vacancy for SC, BMS Category was left

At the same time, the appellant/petitioner submitted as under: (Annexure R1).

"This is my mistake I am unable to reach in the counselling on time and now I accept my mistake and ready to accept my name in waiting list".

He was accordingly waitlisted all the candidates securing less marks than the marks of the appellant/petitioner appeared for counselling on the dates when the appellant/petitioner did not appear and also because the petitioner preferred appointment in Revenue Department but in the absence of any vacancy in Revenue Department he could not be given post and the Petitioner himself accepted to be waitlisted. Candidates who chose Irrigation were only considered for vacancies in the irrigation department.

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5. That furthermore, in so far as the second contention raised by the appellant/petitioner to the extent that the Hon'ble Single Judge erroneously held that he had chosen the position of Revenue Patwari and Canal Patwari, it is most respectfully submitted that the said assertion of appellant/ petitioner is factually incorrect. The copy of application form (Annexure A-1) appended by the appellant/petitioner with the above mentioned appeal is not a true copy of the original application form. The copy of the original form duly submitted by the appellant/petitioner is with the answering respondent and maintained in the records of the answering respondent. True colour photocopy of the Application Form attached herewith as 'Annexure R2'. A careful perusal of the said form (Annexure R- 2) clearly reveals that appellant/ petitioner had himself chosen the option for appointment to the post of 'Revenue Patwari'."

4. Significantly, the appellant had missed the earlier counseling sessions for reasons best known and on finally attending one, he is said to have given his option for the Revenue Department, as is the categorical reassertion of the State, *albeit* denied by him. The fact of the matter still remains that he was granted sufficient opportunities and when it dawned on him to appear, no vacancies were left in the category of Revenue Patwaris. Time and tide wait for none. All recruitments have an end date, thus no indulgence can be granted at a stage when the process stands concluded.

5. In wake of the above, the judgment passed by the learned Single Judge suffers from no illegality or perversity. Consequently, the present appeal being sans merit, is hereby dismissed.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

18.10.2023
gsv

Whether speaking / reasoned: YES / NO

Whether Reportable: YES / NO