

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

CWP No. 10184 of 2023

Date of decision : May 11, 2023

Vijay Laxmi

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. Hitesh Pandit, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

1. Present writ petition has been filed seeking writ in the nature of certiorari for quashing the action of the respondents and the proceedings of the selection committee dated 10.05.2018 whereby the selection committee resolved that due to non-availability of suitable candidates the recruitment process be re-notified. The petitioner was a candidate for the post of Assistant Professor in Education For Teaching Hindi which was put to public notice by respondent No.3. The petitioner was admittedly eligible and was called for interview. At the first instance the interview was called off on account of some alleged technical reason. However, at the second instance it was the petitioner only one who appeared out

of the four eligible candidates. However, the process was aborted recording the

following reason:-

“The selection committee unanimously recommends that due to non availability of suitable candidate for the appointment of Assistant Prof. in Education for Teaching of Hindi at D.M. College of Education, Moga. The post is to be re-advertised.”

2. Learned counsel for the petitioner has submitted that infact during the interview the petitioner was subjected to a written test which was beyond the public notice and, “the rules of game cannot be allowed to be changed after the game has began”, being the cardinal principle, the petitioner ought not have been put to the written examination which is in the teeth of notified criteria. He further submits that whole of the design was to oust the petitioner.

3. I have heard learned counsel for the petitioner and have gone through record of the case.

4. There is no dispute with respect to the settled proposition of law that the selection committee/recruitment agency cannot change the rules of the game after commencement thereof. However, learned counsel for the petitioner would not dispute that so far as the interview is concerned, there was no criteria for interviewing the candidates prescribed in the notification. Moreover it is also not disputed that whole of the process has been aborted and has been resolved to be re-notified, meaning thereby that any criteria even if resorted to by the selection

committee was not to favour one and to the peril of other. Thus, it is not a case that the action of the selection committee has bred any discrimination.

5. In order to make out a case learned counsel for the petitioner is required to show indefeasible right vested in the petitioner to be appointed. The right vested is only for consideration. The petitioner was considered but process was decided to be aborted.

6. In view of the above, no ground while interfering in the writ jurisdiction is made out.

7. Accordingly, the present writ petition is dismissed.

**(PANKAJ JAIN)
JUDGE**

**May 11, 2023
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Whether speaking/reasoned	Yes
Whether Reportable :	No