

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11084-2013(O&M)
Date of decision:20.03.2023

BALPREET SINGH AND OTHERS

..Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Prateek Pandit, Advocate
for the petitioners.

Mr. R.K.Kapoor, Addl.A.G., Punjab

ANIL KSHETARPAL, J(Oral)

1. Originally this writ petition was filed by as many as 4 petitioners. During the pendency of the writ petition, petitioner no.1 to 3 have been appointed and hence the writ petition qua them was dismissed as withdrawn on 27.03.2015. The writ petition survives only qua petitioner no.4. He prays for the issuance of a writ in the nature of mandamus to direct the respondents to consider him for appointment on the post of the Junior Engineer (Civil).

2. It is the case of the petitioner that though no candidate lower in merit than the petitioner no.4 has been offered appointment by the appointing authority, however, since the vacancies were available the respondents were bound to offer appointment.

3. On the other hand, it is the case of the State that the recruitment under the 2012 recruitment notice has been closed and thereafter the

recruitment process pursuant to the subsequent recruitment notice issued in the year 2021 has also been completed as of now.

4. The learned counsel representing the petitioner heavily relies upon the judgment passed in *R.S.Mittal vs. Union of India 1995(3) S.C.T 284*. While referring to para 12 and 13 of the judgment, the learned counsel representing the petitioner contends that the delay on the part of the State should not result in denial of appointment particularly when the vacancies were available for the post applied for.

5. On the other hand, the learned State counsel submits that the petitioner no.1 to 3 were higher in merit and the petitioner does not have any right to claim appointment particularly when no candidate lower in merit has been appointed by the concerned authority.

6. This court has considered the submissions and analyzed the arguments of the learned counsels representing the parties.

7. The judgment passed in *R.S.Mittal's case(supra)* itself records that a person on the select penal has no vested right to be appointed to the post for which he has been selected. However, in the facts of the aforesaid case, the court found that there was unjustifiable delay on the part of the State. Hence, the direction was issued to appoint the petitioner in the aforesaid case.

8. More than 11 years have passed. Petitioner no.1 to 3 were also appointed on 28.07.2014. In the present case, the recruitment under the subsequent recruitment notice has also been finalized, hence, at this stage, this court does not find it appropriate to issue any writ.

9. Dismissed.

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

March 20, 2023
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(ANIL KSHETARPAL)
JUDGE

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