213-1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1.**CWP-10640-2015 (O&M)**

Charanjit

....Petitioner

Versus

State of Punjab and another

..Respondents

2.**CWP-10609-2015 (O&M)**

Babar Singh

....Petitioner

Versus

State of Punjab and another

..Respondents

Date of decision: 17.01.2023

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. H.C.Arora and
Ms. Sunaina, Advocates for the petitioners

Mr.Maninder Singh, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. By this order, two identical writ petitions i.e CWP-10609-2015 and CWP-10640-2015 shall stand disposed of.

2. The facts are being noticed from CWP-10640 of 2015. The petitioners pray for issuance of a writ in the nature of Mandamus to direct the respondents to consider them for appointment to the post of the Service Providing Trainers.

3. In order to decide the writ petition, the relevant facts, in brief, are required to be noticed.

4. Pursuant to the recruitment notice issued in June, 2013, to fill

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up 135 posts of the Service Providing Trainers, in the Department of Technical Education and Industrial Training and 2 posts in the Textile Department, applications were invited. In September, 2013 a merit list was prepared. It is alleged that Charanjit Singh (petitioner in CWP-10640-2015) was enlisted on fifth position in the merit list. The petitioners claim appointment on the ground that out of the selected candidates, two did not join whereas one was declared ineligible by the appointing authority. They also claimed that in the year 2017, two candidates out of the select list namely Jonny Garg and Parshotam Kumar have been appointed as the Craft Instructors.

5. On the direction of the Court, a detailed reply by way of an additional affidavit of Deputy Director, Administration II, Department of Technical Education and Industrial Training, Punjab has been filed. It has stated that the posts of the Service Providing Trainers were merged with the post of Craft Instructors in 2015. The appointment of Jonny Garg and Parshotam Kumar has been issued pursuant to the directions of the High Court in **CWP- 2747 of 2014 (Jonny Garg and others vs State of Punjab and others**) decided on 2oth April. 2017. It is also the stand of the respondents that they do not wish to appoint any candidate from the list prepared for the Service Providing Trainers.

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

7. The learned counsel representing the petitioners submit that two selected candidates did not join whereas one candidate was declared

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ineligible for joining, then the vacancies are available and the petitioners who are next in the merit list should be appointed by the authority. He further contends that after having taken a decision in the year 2015 to merge the posts of Service Providing Trainers with the Craft Instructors, two appointments have been made in October, 2017.

8. On the other hand, learned counsel representing the State of Punjab contends that no candidate lower in merit than the petitioners has been given appointment by the appointing authority. He submits that Jonny Garg and Parshotam Kumar have been appointed pursuant to the directions of the High Court.

9. By now, it is well settled rule that a candidate cannot, as a matter of right, claim appointment merely on the basis of selection in the merit list prepared. Reliance in this regard can be placed on **Mani Subrat Jain vs. Union of India (1977) 1 SCC 486.**

10. As is evident, the recruitment notice was issued in the year 2013. The selection process was completed in the year 2015. It is also not the case of the petitioners that anyone lower in merit, than the petitioners has been appointed. Two selected candidates, appointed in the year 2017 have been appointed on the directions issued by the High Court. Learned counsel representing the petitioners submit that the case of the petitioners as well as Jonny Garg and Parshotam Kumar (the two appointed candidates) is similar.

11. This Court has considered the submission of the learned counsel representing the petitioner. As already noticed, once the employer/recruiting agency has taken a decision not to further

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appoint anyone else from the select list, which was prepared around eight years back, this Court does not find it appropriate to exercise its extraordinary jurisdiction.

12. Hence, dismissed.

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

17.01.2023 **(ANIL KSHETARPAL)**
rekha **JUDGE**
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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