

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

104

CWP-1219-2014

Date of decision: 23.02.2023

AJAY KUMAR & ORS

..Petitioner

Versus

STATE OF PUNJAB & ORS

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.C. Arora, Advocate
Ms. Sunaina, Advocate
for the petitioners.

Mr. Navdeep Chhabra, Sr. DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. After remand by the Hon'ble Division Bench, the writ petition has come up for hearing.
2. The relevant facts in brief are required to be noticed, which are as follows:-

A recruitment notice was published on 07.05.2011 inviting applications for filling up 3442 posts of teachers in Master cadre in various subjects including 863 posts of Hindi Masters and 953 posts of Science Masters. Out of 863 posts of Hindi Masters, 431 were proposed to be filled in from the general category. After completing the selection process including the written examination, merit list of 431 candidates of the general category was prepared while the next 43 candidates in the merit list were kept in the waiting list. It is the case of the petitioners that 34 candidates from the general category short-listed for appointment to the post of Hindi Master in three districts i.e. Tarn Taran, Amritsar and Gurdaspur, did not join. The petitioners also assert that there must be a large number of such

other candidates in the State who did not join. In reply, the respondents have stated that there were 31 candidates in the general category in the subject of Hindi who expressed their unwillingness to join and therefore, the next 31 meritorious candidates were issued appointment letters. On 28.09.2013, the competent authority cancelled the waiting list. With these facts, the petitioners *inter alia* pray for issuance of a writ in the nature of mandamus to direct the respondents to issue appointment letters.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

4. The learned counsel representing the petitioner admits that the petitioners' name did not figure in the waiting list of 43 candidates prepared by the department. However, he contends that as alleged by the petitioners, there may be more than 100 vacant posts in the entire State on account of the unwillingness/failure of other short-listed candidates to join.

5. On the other hand, the State of Punjab while relying upon para 11 of the written statement submits that only 31 candidates in general category failed to join and the competent authority, accordingly, issued the appointment letters to the next 31 candidates, who were in the order of merit in the merit list.

6. As noticed above, the recruitment notice was issued 12 years back, approximately. The petitioners' name neither figured in the select list nor in the waiting list. The judgment relied upon by the learned counsel representing the petitioners in **CWP-23055-2013, titled as "Sonia Sharma and others Vs. State of Punjab and another"**, **decided on 08.07.2016**, is with respect to the candidates whose names figured in the waiting list.

- 7. Hence, the aforesaid judgment in the considered opinion of the Court, shall have no application in the facts of the present case.
- 8. Keeping in view the aforesaid facts and discussion, no ground to issue the writ, is made out.
- 9. Dismissed.
- 10. All the pending miscellaneous applications, if any, are also disposed of.

February 23rd, 2023
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(ANIL KSHETARPAL)
JUDGE

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