

CWP-17332-2014 (O&M)

Date of decision: 07.02.2023

Hardeep Singh and another

....Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Madhav Pokhral, Advocate for the petitioners
Mr. Gurpreet Singh, Addl. AG, Punjab
Mr. K.L.Singla, Advocate for respondent no.4

ANIL KSHETARPAL, J (Oral)

1. While filing the writ petition, the petitioners pray for issuance of a writ in the nature of Certiorari, to quash the impugned order dated 14.07.2014 vide which the petitioners' selection to the post of PTI in the category of Ex-serviceman (dependent) have been cancelled.

2. The said recruitment notice was issued in the year 2006. The petitioners while submitting the application did not claim that they belong to the category of dependents of the Ex-serviceman. They chose general category as their category. However, at the stage of counselling, they sought to change their category to the dependent of the Ex-serviceman. Consequently, they were selected in the category so changed. Subsequently, when this fact came to the notice of the selection committee their appointment was cancelled at that point. It is evident that the recruitment notice was issued in the year 2006. Moreover, while filing the additional affidavit dated 22.01.2020, the respondents have stated as under:-

*“3. That with regard to the query of this
Hon’ble Court regarding the vacant posts of Ex-*

servicemen/Lineal Descendants Category against the advertised posts as per advertisement dated 21-10-2006, it is respectfully submitted at the outset that the recruitment process of 849 PITs, pertaining to which the petitioner is staking his claim, has been a subject of continuing and massive litigation during all these years. Many cases relating thereto are still pending adjudication before this Hon'ble Court. The chequered litigation history of this issue has resulted in a situation at present where candidates far in excess of the advertised 849 posts stand appointed. Therefore, at this stage no post of PTIs are lying vacant in any of the categories. In any case no male candidates can be considered for appointment as any such appointment shall be violative of the order passed in CWP No.12222 of 2012 titled as 'Veerpal Kaur and others vs. State of Punjab and others' which was decided in terms of CWP No. 12275 of 2000 titled as "Neelam Rani vs. State of Punjab and others" and it will result in Contempt of Court."

3. Learned counsel representing the petitioners admits the fact that neither the recruitment notice nor the rules or instructions permit the change of category in between selection process by a candidate.

4. Learned counsel representing the petitioner also failed to controvert the assertions made in para 3 of the additional affidavit submitted by the respondents.

5. Keeping in view the aforesaid facts and discussion, this Court does not find it appropriate to exercise its extraordinary writ jurisdiction.

6. Hence, dismissed.

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

07.02.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE