

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CWP-25681-2015

Date of decision: 16.01.2023

BALVIR RAJ

..Petitioner

Versus

STATE OF PUNJAB & ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Padamkant Dwivedi, Advocate
for Mr. Vishal Aggarwal, Advocate
for the petitioner.

Mr. Vikas Arora, AAG, Punjab.

Mr. Gagandeep Singh, Advocate
for respondent No.2.

ANIL KSHETARPAL, J(Oral)

The grievance of the petitioner is noticed in the order dated
08.12.2015, which is extracted as under:-

“Inter alia submits that the petitioner had approached this Court on the ground that he missed the counselling and he was the candidate for the post in category of R&O. This Court had directed the respondents to consider on the ground that there are vacant posts of Head Master and the petitioner being higher in merit would not disturb anybody. It is submitted that as per the information sought, there are still vacancies since 222 posts were filled up against 264. It is accordingly, submitted that this issue has not been discussed in the impugned order.

Notice of motion.

Mr. R.S.Sidhu, AAG, Punjab accepts notice on behalf of respondents-State.

Adjourned to 15.01.2016.”

The respondent states that the process of selection of the candidate has already been completed. The petitioner has not impleaded any private respondent who shall stand replaced if the petitioner was to be given opportunity to appear in counseling. It is also not in dispute that despite notice, the petitioner failed to attend the counseling.

In view of the judgment passed by the Division Bench in **LPA-1781-2014, titled as “Loveleen Kaur Vs. State of Punjab and others”, decided on 03.11.2014**, at this stage, this Court does not find it appropriate to issue any direction particularly when the selection process stands concluded pursuant to recruitment notice dated 01.10.2013.

The operative part of the order passed by the Division Bench is as under:-

“We find that the appellant cannot claim any direction for further counseling having failed to appear for the counseling on 7.7.2011. In response to a public notice, many candidates, including some of juniors to the appellant, have appeared for counseling. Once the appellant has failed to appear on a specific date, no grievance can be entertained so as to direct the respondent to hold another counseling. Learned Single Judge has rightly declined to interfere in the order passed by the respondents declining the representation of the petitioner.

Another argument raised by learned counsel for the appellant is that if in future it is decided to hold counseling again, the appellant should be called for counseling.

We do not find that any such direction can be given. The publication to conduct counseling was done through a public notice. The second counseling was conducted in the year 2011 i.e. more than 3 years earlier. The selection process once concluded, cannot be kept pending till eternity so as to confer right on the applicants for appointment. However, as and when any fresh advertisement seeking appointment is issued, it shall be open to the appellant to apply in accordance with law.”

In view observations made above, the present petition is disposed of.

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

January 16th, 2023

**(ANIL KSHETARPAL)
JUDGE**

Ay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No