

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

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CWP-26569-2014 (O&M)

Date of Decision: 02.02.2023

RAJESH KUMAR CHAUDHARY

... Petitioner

Versus

STATE OF HARYANA & ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. HPS Isher, Advocate and
Mr. Dheeraj Kumar, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

Mr. Dinesh Kumar, Advocate
for respondent No.3.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks issuance of a writ in the nature of Certiorari quashing the merit list (Annexure P-2) and short list (Annexure P-3), being illegal and arbitrary.

Learned counsel for the petitioner submits that respondent No.2 had issued an advertisement for filling up the posts of Instructor, on contractual basis, at DC Rates, for a period of 6 months; that all the application forms completely filled along with requisite educational qualification certificates, demand draft of Rs.200/- was to be submitted by 10.06.2014 and that as per the terms and conditions of the said advertisement, a merit list was to be prepared following the criteria approved by the Department for selection and the candidates four times the vacant posts were to be called for the interview. He further submits

that, though, the petitioner had secured higher marks than that of respondent No.3, yet he was not called for the interview. Still further, it is submitted that the Department concerned has now taken a stand and annexed a merit-list along with the written statement, wherein the petitioner along with one Bijender Kumar, were shown absent at the time of interview and that no call letter or telephonic record has been placed on record to show that the candidates were ever called for the interview.

Learned counsel for the petitioner has vehemently argued that the petitioner was never informed about the interview, at any stage.

Learned State counsel submits that, as per the terms and conditions of the advertisement, a candidate was required to have the requisite qualifications from regular course, whereas the petitioner has obtained the same from part-time weekend classes and that in the regular course, the degree is of two years and in part-time weekend classes, the same is of two and a half years. She further submits that, she has received specific instructions from the Director General Skilled Development and Industrial Training that the petitioner was duly informed about the interview for the posts of Instructor Electrical Basic Module (COE), conducted on 24.07.2014, but he did not appear and was, accordingly, marked 'absent' in the attendance sheet.

Learned counsel for respondent No.3 submits that there is a specific condition No.18 in the advertisement that in case any candidate has any objection against the list, he can submit his objection in the Office upto 4:00 p.m. on 21.06.2014. He further submits that the

petitioner did not file any objection in time and thus, he is barred from raising objection, at this belated stage.

I have heard the learned counsel for the parties.

Interview for the posts in question was held on 24.07.2014. Thereafter, the merit list (Annexure P-2) indicating the names and roll numbers of the candidates, was published.

Condition No.18 of the advertisement reads as under:-

'1 to 17 xxxxxxxx

18. In case any candidate has any objection against the list, he can submit his objection in the Office upto 4:00 p.m. on 21.06.2014'.

On a specific query put to the learned counsel for the petitioner, whether the petitioner had filed any objection, within the stipulated time period or even thereafter, he replied in negative. The inaction/silence on the part of the petitioner clearly indicates that he was satisfied with the result so declared by the respondent-Department.

As per the learned State counsel, the petitioner does not possess the requisite qualification for the post in question.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

02.02.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>