

Neutral Citation: 2023:PHHC:097815

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

125

**CWP-16410-2023
Decided on : 31.07.2023**

Seema Saroha and others

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Saurabh Bajaj, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, Sr. DAG, Haryana

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the grievance which is being raised by the petitioners is that the recruitment to various posts is being made without following the procedure for recruitment as mentioned in clause 7 of the advertisement, copy of which has been appended as Annexure P-8, which action of the respondent is causing prejudice to the petitioners.
2. Learned counsel for the petitioners argued that after the conduct of the Common Eligibility Test (CET) wherein, merit of each candidate has already been determined, the respondents are under an obligation to implement the said merit coupled with the fact as to how many posts, in each cadre, as advertised are filled on the basis of the marks obtained by a candidate in CET. Learned counsel for the petitioner submits that eligibility to be fulfilled by a candidate has already been prescribed in the notification (Annexure P-11) qua various posts mentioned therein.
3. Learned counsel further submits that the respondents are going to call

Neutral Citation: 2023:PHHC:097815

the candidates for written test without even ascertaining their eligibility qua the post in question, hence, the action of the respondents is contrary to the procedure prescribed in clause 7 of the advertisement.

4. On being asked as to which of the candidate, who according to the petitioner has cleared the CET but does not have the required qualification prescribed for a particular post, for which the petitioners are also competent, has been called in preference of the petitioners, so as to cause prejudice to the petitioners, learned counsel for the petitioners has not been able to show even one instance to support the allegations being alleged orally while addressing the arguments. Learned counsel for the petitioners concedes that no such factum have been mentioned in the writ petition to substantiate the said allegation but submits that the same is apprehended by the petitioners that the respondent will allow the candidates who are either lower in merit or not fulfilling the eligibility condition for a particular post to compete for the posts as advertised vide Annexure P-8 so as to cause prejudice to the petitioner.

5. It may be noticed that a grievance can only be asserted on the basis of the facts and that too which are detailed in the petition so as to substantiate the apprehension or an illegal act being alleged upon the respondents. In the present case, not even a single averment has been made in the petition to support the allegation that any candidate who is ineligible to compete for the post of assistant, for which post the petitioners are competing, has been called for a written test and that too in preference of the petitioners so as to cause them prejudice. In the absence of any such averment/data, mere apprehension of the petitioners is not good enough to call for the explanation of the respondents.

6. Further, in case, the petitioners find out that any candidate, who was not meritorious in the CET keeping in view the number of post to be filled in a particular

Neutral Citation: 2023:PHHC:097815

cadre or was not eligible keeping in view the eligibility conditions provided in the advertisement for the said post, has been allowed to compete or selected, the petitioners can have their remedy by challenging the said action of respondents at the appropriate stage.

7. No ground is made out for any interference by this Court at this stage keeping in view the averment made in the present petition.
8. The present petition is dismissed with the abovesaid terms.

(HARSIMRAN SINGH SETHI)
JUDGE

31.07.2023
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No