

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

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CWP-16875-2023

Date of Decision: 04.08.2023

Navdeep Kumar

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Hitesh Sood, Advocate
for the petitioner.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 28.09.2022 (Annexure P-18) passed by respondent No.2, whereby, appointment of the petitioner on the post of Hostel Assistant, has been rejected.

2. Learned counsel for the petitioner submits that the petitioner applied for the post of Hostel Assistant and as he has been ultimately selected, he should be offered the post but when the appointment was not given to him, he moved a legal notice, in reply to which he has been informed that his claim is wrong as the post of SC (R&O) is not available in Hostel Assistant (male category) and only one post is existing in SC (R&O) female and therefore, respondent No.5 was given appointment as SC (R&O) in Hostel Assistant (female category).

3. Learned counsel for the petitioner further submits that the post

of Hostel Assistant (female) can also be filled from male category and that is why the petitioner had applied. Otherwise the petitioner's candidature should have been rejected at the threshold. The action of the respondents in not considering the candidature of the petitioner for Hostel Assistant is unjustified and illegal.

4. I have heard learned counsel for the petitioner at length and have considered the submissions.

5. From the perusal of the advertisement and bifurcation of the post in terms of the advertisement, it is noticed that the respondents had advertised separate post of Hostel Assistant (male) and Hostel Assistant (female). The total posts shown were 8 for Hostel Assistant (male) and 12 for Hostel Assistant (female). In the category of SC (R&O), there was no post mentioned in the category of Hostel Assistant (male), while in the category of Hostel Assistant (female), SC (R&O) one post has been mentioned. Learned counsel submits that there is another column in the advertisement which states about SC (R&O) female and if the said post of Hostel Assistant (female) was to be given only to female, then the said one post shown in the category of SC (R&O) should have been mentioned as SC (R&O) female. Thus, the denial of appointment to the petitioner is wrongful.

6. This Court finds the submission of learned counsel for the petitioner to be wholly erroneous and misconceived. Once the post of Hostel Assistant has been bifurcated into male and female separately and advertised separately, it would mean that all the 12 posts which are available for Hostel Assistant female, can be further filled only from females. Moreover, even if the submission of counsel for the petitioner is accepted that the same can be filled from the males, that too since the respondent

No.5 possess higher merit than the petitioner and the post falls in open category of SC (R&O), the petitioner cannot claim appointment on the said post over and above respondent No.5.

7. Keeping in view the above, the present petition is found to be meritless and accordingly, the same is dismissed.

04.08.2023
D.Bansal

(SANJEEV PRAKASH SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No