

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

(105)

CWP No.28392 of 2022

Date of Decision : 11.09.2023

Jyoti

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lalit Rishi, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. Learned counsel for the petitioner submits that in the present petition, the petitioner has applied for selection to the post of Steno-typist/Stenographer as advertised vide Advertisement No.12 of 2015 and though, initially the petitioner was neither in the list of selected candidates nor in in the waiting list but thereafter, as the result was revised, the petitioner's name was included in the waiting list hence, the petitioner was entitled for appointment on the basis of the said waiting list.

2. The respondents have filed a detailed affidavit mentioning that the petitioner was at No.54 in the waiting list and only candidates upto the

50th rank in the merit list from the waiting list has been appointed till the validity of the said waiting list which was upto August, 2022.

3. I have heard learned counsel for the parties and have gone through the record of the case with their able assistance.

4. Keeping in view the said fact, especially when there is no allegation that anybody lower in merit has been appointed by the respondents, the only prayer of the petitioner in the present case is to grant the petitioner the benefit of appointment on being in the waiting list. The respondents in their reply have already stated that the waiting list was valid upto August, 2022 upto which date, the candidate upto Sr. No.50 in the waiting list could be accommodated and thereafter, no one has been given appointment. That being so, once the merit position of the petitioner i.e.54 has not reached upto the last date of the validity of the waiting list, no grievance can be raised by the petitioner.

5. Further, there is no allegation that anybody from the waiting list, who are lower in merit than the petitioner has been appointed in preference to the petitioner. That being so, merely that the petitioner is in the waiting list will not give him entitlement for appointment unless and until the waiting list remains in operation and any candidate lower in merit than the petitioner has been appointed.

6. In the absence of any such averment, no relief can be granted to the petitioner.

7. However, the petitioner is at liberty to avail appropriate information from the respondents with regard to the vacant positions upto the last date of the validity of the waiting list qua the posts advertised and

whether any post was vacant even after adjusting the candidates till Sr.
No.50 upto the last date of validity of the waiting list.

8. Dismissed.

September 11, 2023
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No