

115

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26931-2023

Date of Decision: 01.12.2023

Jagdev Singh and others

. . . . Petitioners

Vs.

State of Punjab and another

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Pardeep Singh Mirpur, Advocate,
for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. This writ petition is wholly frivolous as the petitioners admittedly were appointed in the year 2017 under the selection process which was initiated in the year 2011. The appointments were given to the petitioners in terms of an order passed by this Court on 17.12.2016 in CWP-15409-2014, wherein this Court passed the following order:

"...impugned notice dated 5.6.2011 (Annexure P-3) vide which the selection process was cancelled is hereby quashed.

However, the respondents are directed to consider the claim of the petitioners and fulfil the requirement of physical test by adopting the criteria as per advertisement and prepare a fresh merit list. In case, they are found to be eligible by considering the criteria as mentioned in the advertisement and corrigendum, they be considered for appointment against the vacancies which are lying vacant. The necessary exercise be done within a period of four months from the date of receipt of certified copy of the order."

2. This Court nowhere allowed the petitioners to be appointed from 2011, even notionally.

3. After having been appointed, this present petition has been filed claiming notional appointment from 2011, whereas the selection process ultimately ended in 2017 and appointments were given to the petitioners. A person who was not born in service cannot be given appointment from a prior date, unless someone else under the same selection was appointed from the given date.
4. In view of above, writ petition is *dismissed*.

(SANJEEV PRAKASH SHARMA)
JUDGE

December 01, 2023

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |