



214-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHLPA-552-2019 (O&M)in CWP-2525-2014*Date of Decision: 07.05.2024***SUCHETA ARYA**

.....Appellant

V/s.**STATE OF HARYANA AND OTHERS**

.....Respondents

CORAM: **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**
HON'BLE MRS. JUSTICE SUDEEPTI SHARMAPresent Mr. Vishal Sodhi, Advocate
for the appellant (*Petitioner in CWP-2525-2014*).

Mr.Hitesh Pandit, Addl. A.G., Haryana.

Mr. Nikhil Lather, Advocate for
Mr. Anurag Goyal, Advocate,
for respondent No.4 (*Respondent No.4 in CWP-2525-2014*).

SANJEEV PRAKASH SHARMA, J. (Oral)**CM-1300-LPA-2019**

1. For the reasons mentioned in the application, the same is allowed and delay of 67 days in filing the present LPA is hereby condoned.

LPA-552-2019 (O&M)

2. This LPA has been filed by the appellant, who is petitioner in Writ Petition, against order dated 23.10.2018 passed in CWP-2525-2014 whereby while allowing the said Writ Petition, learned Single Bench has set aside the selection of respondent No.4 and left it free to the official respondents to make fresh selections in accordance with law.

3. Learned counsel for the appellant submits that once the appointment of respondent No.4 was set aside by this Court, the appellant ought to have offered the said post as she was next in the merit. In support



of his submissions, learned counsel for the appellant relies on the judgment passed in Gujarat State Dy. Executive Engineers Association v. State of Gujarat & Ors. ; [1994] Supp. 2 SCC 591.

4. We have considered the submissions.

5. Vide judgment of the even date in LPA-1822-2018, preferred by respondent No.4, in which order dated 23.10.2024 in CWP-2525-2014 has been challenged, we have affirmed the findings of the learned Single Judge with regard to the wrongful method adopted for selection of respondent No.4. Once this Court reached to a conclusion that the Selection Committee had conducted a wrongful selection, and the selection itself has been declared bad in law, no person can claim his or her right of appointment in terms of the said selection process.

6. In view of the findings of the learned Single Judge holding that the selection suffers from arbitrariness, discrimination and patent illegality, consequent appointments would also have to go.

7. In the circumstances, this Court would not approve the selection or placement of the appellant also and as the entire select list has to be set aside, no one can claim appointment against the said selection process. The State of Haryana had been left free to make fresh selections.

8. Even otherwise, we find that selection process was convened for making contractual appointments. We have been time and again directing the State not to resort to contractual/*ad hoc* appointments and once the posts are available for selection, Rules of selection must be followed and regular appointments must be made.



9. In view of the aforesaid, this LPA stands dismissed. However, the appellant would always be free to participate in the regular selection process.
10. All pending applications filed in this case shall stand disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

May 7, 2024
Ess Kay

[SUDEEPTI SHARMA]
JUDGE

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No