

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230

CWP-3165-2020 (O&M)
Date of Decision :29.04.2024

Sheetal

...Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Tanveer Singh, Advocate for
Mr. Rahul Bhargawa, Advocate for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, prayer of the petitioner is to offer him appointment to the post of Lower Division Clerk in respect of advertisement No.3/2016 dated 20.02.2016 (Annexure P-1) issued by the respondents under the BCB category on the ground that the petitioner has successfully cleared the written examination.
2. As per the facts mentioned in the writ petition, respondent No.2 advertised 437 posts of Lower Division Clerk to be filled in the field cadre as well as in the Head Office cadre. By a corrigendum dated 18.05.2020, number of posts were increased from 437 to 964 and out of the said posts, 143 posts were to be filled up in the BCB category, in which category, the petitioner competed. The petitioner appeared in the written examination as well as in the scrutiny of documents but in the final result, she was declared unsuccessful to compete further for the post in question.

3. Learned counsel for the petitioner submits that the petitioner had obtained enough marks to be called for interview but she was not called for the said interview and rather she was ousted from the zone of consideration for the said post, which action on the part of the respondents is totally arbitrary and illegal.

4. Present writ petition was filed in the year 2020 and while issuing notice of motion on 05.02.2020, petitioner was directed to be provisionally interviewed for the post in question and her result be kept in a sealed cover. The said order could not be complied with by the respondents and an application was moved by the respondents that the selection process is already over on the date when the interim order was passed by this Court and the petitioner cannot be interviewed for the said post even provisionally.

5. During the pendency of the said application, the petitioner has filed COCP-1162-2020, which came to be decided on 24.05.2023 by passing following order:-

“This petition is pending since 2020. The petitioner alleges violation of the order dated 05.02.2020 passed in CWP-3165-2020, vide which a direction was issued to the permit the petitioner provisionally for interview.

Learned State counsel, on the basis of affidavit of Secretary, Haryana Staff Selection Commission, Panchkula, submits that final result was declared on 08.06.2019 and even the revised final result for the post of Lower Division Clerk, UHBVNL and DHBVNL was declared on 06.01.2020 and a corrigendum was also issued on 18.05.2020. It is thus submitted that there is no violation of the order passed by the writ Court.

In view of the above, present petition is rendered as infructuous.

Liberty is granted to the petitioner to avail the

alternative remedy, in accordance with law, if so required.”

6. Learned counsel for the petitioner submits that the petitioner had enough marks to be selected in the BCB category for the post in question as she has obtained more marks than the last selected candidate in the category in which she was competing.

7. Learned counsel for the respondents submits that the last selected candidate had secured more marks than the petitioner as out of the total 160 marks, last selected candidate had secured 90 marks whereas, the petitioner has secured only 80 marks. Learned counsel for the respondents further submits that as the petitioner misled this Court in believing on the date when the notice of motion was issued, selection process for the post in question was in process whereas, the selection process had already completed on 08.06.2019 and even revised final result was declared on 06.01.2020 (Annexure P-5) hence, on 05.02.2020 when interim order was passed by this Court, the selection process had already been completed hence, the petitioner could not be interviewed as per the interim order.

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

9. From the facts it transpires that selection process for the post in question had already been completed on 08.06.2019 whereas, the present petition was filed in February, 2020. By the time the writ petition was filed in February, 2020, even the result which was initially declared on 08.06.2019 had been revised on 06.01.2020 (Annexure P/5) and the petitioner only chose to file the present writ petition after the revised final result i.e on 06.01.2020 (P-5). It was under these circumstances, despite interim order to interview, the petitioner could not be interviewed by the respondents, which facts have gone un rebutted by the petitioner and even the contempt petition filed by the petitioner was rendered

infructuous keeping in view the said facts and circumstances. Once, the selection process for the post in question had already been over and the petitioner approached this Court with delay when the final selection had already been made, no relief can be granted to the petitioner.

10. Further, as per the settled principle of law settled in **C.A.5027-2024 titled as Mrinmoy Maity vs. Chhanda Koby and others decided on 18.04.2024** delay in approaching the Court is to be viewed seriously. Even otherwise, the contention of the petitioner that she has more marks than last selected candidate in the category in which she was competing is incorrect as petitioner has secured 80 marks whereas, the last selected candidate has secured 90 marks, keeping in view the fact that the selection process had already been completed since last four years and that petitioner has secured less marks than the last selected candidate in the category in which she was competing, no relief can be extended to the petitioner and the present writ petition is accordingly dismissed.

11. Civil miscellaneous application pending, if any is also disposed of.

April 29, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No