

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

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**CWP No.16351 of 2000
Date of Decision : 8.2.2024**

*Rajesh Kumar and others**..... Petitioners**versus**The State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Aditya Yadav, Advocate, for the petitioners

Ms. Tanushree Gupta, DAG, Haryana

Mr. R.K. Malik, Senior Advocate with
Mr. Digvijay Singh, Advocate
for respondents no.5, 6, 8, 9, 11, 13 and 14.

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the result of Hindi Teacher published in the daily newspaper *Dainik Tribune* dated 16.10.2000, Annexure P-2, pursuant to advertisement no.3 of 1999, dated 14.11.1999, Annexure P-1; and a writ of *mandamus* directing the official respondents to conduct fresh selection through Haryana Staff Selection Commission. It has also been prayed that a probe by some independent agency like, Central Bureau of Investigation (CBI), be ordered as the selection was on extraneous consideration and arbitrary.

2. Briefly, facts of the case are, the official respondents invited applications to fill-up eight hundred sixty posts of Hindi Teachers vide advertisement dated 14.11.1999. The closing date for submission of applications was 3.12.1999. The petitioners being eligible, applied for the post and participated in the selection process. Final result whereof was

declared on 16.10.2000; the petitioners could not be selected. Remaining unsuccessful, they filed the instant petition alleging that the selection was based on extraneous considerations, and candidates less meritorious than the petitioners were selected.

3. Learned counsel for the petitioners contends that the private respondents were not qualified to be appointed on the advertised post, as they lacked essential qualifications of B.A. Honors in Hindi with B.T., B.Ed. with Hindi as a teaching subject from recognised university. The details whereof have been provided in Annexure P-3, appended to the petition. Therefore, none of them could have been selected or appointed. It is further contended that final result of selection declared on 16.10.2000 shows that same roll number(s) has been mentioned twice or thrice in certain categories therein. This shows the selection was not fair and based on extraneous consideration which is liable to be set aside.

4. Learned senior counsel for the respondents, on the contrary, contends that the petition itself is not maintainable as all the candidates who were selected and appointed pursuant to the final result of selection, have not been impleaded as respondents to the petition. It is further contended that the private respondents were duly qualified to be appointed. Details of their qualifications are mentioned in the written statement filed on their behalf. These facts remain undisputed as the petitioners have not filed any counter-affidavit to deny eligibility. He also contends that the private respondents, in fact, are more meritorious than the petitioners, and were rightly selected for the post.

5. Learned State counsel contends that there is no averment in the petition with regard to depiction of same roll number(s) two or three times

over in the final selection result. In such situation the State had no occasion to respond to it in the written statement, and the issue cannot be raised at the time of final arguments. Besides, the entire selection was carried out in a fair and transparent manner, and all the selected candidates joined the post soon after declaration of result on 16.10.2000.

6. Heard.

7. It is not in dispute that vide the impugned advertisement the respondents advertised eight hundred and sixty posts of Hindi Teachers. After final selection, result was declared on 16.10.2000, and the selected candidates joined service in the Department as well. The instant petition impugning the entire selection has been filed whereas only ten of the selected candidates have been impleaded as party respondents. It is settled law that without impleading the affected parties, which are selected and appointed candidates in the instant case, no adverse order can be passed against them. In case the petition is to be accepted, it will result in setting aside the impugned selection as well as consequent appointments made. In the absence of selected and appointed candidates having been impleaded before this Court, no effective relief can be granted to the petitioners. This renders the petition not maintainable and liable to be dismissed as such.

8. Accordingly, the petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

8.2.2024
Ashwani