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

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CWP-11480-2019 (O&M)
Date of Decision :20.05.2024

Mohit Gulia and others**...Petitioners**

Versus

State of Haryana and another**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Amit Nagar, Advocate for
Mr. Vikram Sheoran, Advocate for the petitioners.

Ms. Vibha Tewari, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, grievance of the petitioners is that the respondents had issued an advertisement No.1/2014 dated 19.01.2014 advertising certain posts of clerks but the said advertisement has been withdrawn by the respondents and a fresh advertisement was issued. The prayer of the petitioners is that selection to the post in question should be made on the basis of the advertisement No.01/2014, which was initially issued by the respondents.

As per the reply filed by the respondents, it is on record that on 01.05.2015, advertisement No.1/2014 dated 19.01.2014 has been withdrawn and the same was treated as cancelled and the said order is not under challenge in the present petition.

It has further been mentioned in the reply that fresh



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advertisement has already been issued in the year 2016 and selection process for the post in question in pursuance to the fresh advertisement has already been completed in the year 2018.

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

The only argument raised by the learned counsel for the petitioners is that respondents are under an obligation to continue with the selection in pursuance to the advertisement No.1/2014 dated 19.01.2014.

The said contention of the learned counsel for the petitioners cannot be accepted in view the judgment of the Hon'ble Supreme Court of India in **Civil Appeal No.4150-2022 titled as Employees State Insurance Corporation and another vs. Dr. Vinay Kumar and others, decided on 18.05.2022** wherein, it has been held that the candidates do not have a legal right to insist that the recruitment process set in motion be carried to its logical end. Relevant paragraph of the said judgment is as under:-

“6. The cardinal principle we must bear in mind is that this is a case of direct recruitment. A candidate who has applied does not have a legal right to insist that the recruitment process set in motion be carried to its logical end. Even inclusion of a candidate in the select list may not clothe the candidate with such a right. This is, however, different, no doubt, from holding that the employer is free to act in an arbitrary manner. But, at the same time, in the first place, direction which is given by the High 3 Court to conclude the recruitment within 45 days is clearly untenable. This is for the reason that, as noticed, the advertisement dated 01.03.2018 was put on hold on 21.03.2018 before the last date indicated for filing the



application by advertisement dated 01.03.2018. As the very advertisement was put on hold, it is quite likely that any candidate who may have being desirous of applying, may not have applied being discouraged by the fact that the advertisement has been put on hold. Therefore, the direction to conclude the proceedings within 45 days is unsupportable.

In the present case, after withdrawing the advertisement No.1/2014 dated 19.01.2014, fresh advertisement was issued by the respondents and the selection in pursuance to the said advertisement has already been completed hence, no grievance can be raised by the petitioners that the selection to the post in question should have been made on the basis of the advertisement issued by the respondents on 19.01.2014, which is contrary to the settled principle of law cited hereinbefore.

Keeping in view the above, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

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

May 20, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No