



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(235)

CWP No. 13502 of 2021  
Date of Decision : 20.05.2024

Vikas Sohu and another

...Petitioners

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Vikas S. Chaudhary, Advocate for  
Mr. Neeraj Sheoran, Advocate for the petitioners.  
  
Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

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**Harsimran Singh Sethi J. (Oral)**

1. In the present petition, the grievance being raised by the petitioners is that they are entitled for appointment against the post of Medical Officers, which have been advertised by the respondents vide Advertisement dated 01.01.2020 (Annexure P-1) as, the post of Medical Officers are lying vacant.
2. After notice of motion, a detailed reply has been filed by the respondents, wherein, it has been mentioned that 447 posts were advertised by the respondents vide Advertisement dated 01.01.2020, a copy of which has been appended as Annexure P-1 and after undergoing the selection process, the candidates were appointed. As per the



respondents, the petitioners were competing in the General Category and the last candidate appointed in the General Category has secured 65 marks and the last selected candidate in the General Category in the waiting list has secured 62 marks, whereas both the petitioners have secured 42 marks.

3. It has further been mentioned in the reply that keeping in view the pandemic of Covid-19, against the other vacant post of the Medical Officer, it was thought to make selection from the same selection process so as to fill 342 posts on contract basis.

4. Learned counsel for the respondents submits that even after filling the said posts, the last candidate selected has 43 marks whereas, the marks secured by the petitioners are below the said last selected candidate as well hence, no benefit of appointment can be given to the petitioners.

5. There is no replication to the written statement filed on behalf of the petitioners to controvert the said factual averments.

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

7. Once, the claim of the petitioners has been considered against all the advertised posts and it is a conceded position that no candidate having lower marks than the petitioners has been appointed to the post in question, the petitioners cannot raise the claim for appointment. Once, the post has been filled up in accordance with law



and on the basis of merit obtained by the candidates and the petitioners did not had secure enough marks so as to be selected against the advertised posts, hence, no grievance can be raised by them.

8. Nothing has been shown to this Court that anybody lower in merit has been appointed or any post is lying vacant. Even otherwise, the selection process was undertaken in the year 2020 and even the waiting list has already expired, hence, no benefit can be given to the petitioners at this stage.

9. No ground is made out for any interference by this Court in the present petition.

10. Dismissed.

**May 20, 2024**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*