



CWP-11747-2024

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

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CWP-11747-2024

Date of decision: 20.05.2024

HAPPY RANA

....PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Barjesh Mittal, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of communication dated 19.01.2023 (Annexure P-11) whereby candidature of the petitioner has been rejected for the post of Assistant Financial Officer.

2. The petitioner, pursuant to advertisement applied for the post of Assistant Financial Officer. He applied under Backward Class Category. He secured first position in his category.

3. As per procedure prescribed in the advertisement, the petitioner was supposed to submit documents. He submitted documents which were considered by the respondent. Many candidates approached this Court assailing selection process. On the direction of this Court, speaking order dated 19.01.2023 (Annexure P-11) came to be passed wherein candidature of the petitioner was rejected on the ground that experience certificate issued by M/s Harman and Company is without any supporting document such as bank account statement.



The petitioner opted to remain silent after passing of aforesaid order. Many other candidates again approached this Court. On the direction of this Court, the respondent through electronic modes directed candidates to submit their documents. The petitioner claims that he did not receive communication, thus, he could not submit his documents.

4. Mr. Aman Dhir, DAG, Punjab, who on advance notice, submits that the candidature of the petitioner was rejected in January’ 2023 and thereafter he opted to remain indolent. He neither approached this Court nor submitted document in response to communication made to him. The communication to every candidate was made through electronic mode and petitioner is raising lame excuse that he did not receive communication.

5. I have heard the arguments of learned counsel for the parties and perused the record.

6. It is undisputed that selection process has already completed. As submitted by learned State Counsel, all the candidates including those forming part of waiting list have already been selected. There is no more alive waiting list. The petitioner may be right in his claim, however, by his act and conduct, he has waived his right. His candidature was rejected in January’ 2023 and many candidates approached this Court or other authorities. The petitioner has acted as a fence sitter and Court cannot come to rescue of a fence sitter.

7. Dismissed.

20.05.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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