

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

2024.PHHC:098912



**CWP No.12454 of 2024
Date of Decision:31.07.2024**

Gurlal Singh and another

....Petitioners

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Tara Dutt, Advocate for
Mr. H.S.Kahal, Advocate
for the petitioner

Mr. Aman Dhir, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1 The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of result dated 02.11.2022 (Annexures P-11 and P-12) which was declared by respondents with respect to advertisement No. 5 dated 17.08.2021.

2. The respondents vide advertisement No. 5 dated 17.08.2021 (Annexure P-1) invited applications for different posts including Information Technology Officer and Information Technology Assistant (Software). The petitioners, pursuant to aforesaid advertisement, applied for the post of Information Technology Assistant. They appeared for written test and respondent on 29.03.2022 released list of shortlisted candidates for



verification of documents. The name of petitioner No. 1 appeared in the shortlisted candidates at Sr. No. 54 with 124 marks out of 400 and name of petitioner No. 2 at Sr. No. 68 with 205 marks out of 400 marks. The respondents prepared final list and uploaded the same on the website. A litigation ensued. Various unsuccessful candidates approached this Court claiming that their experience certificates have been arbitrarily and wrongly rejected. This Court from time to time passed orders whereby respondents were directed to re-consider claim of the candidates. The respondents considered claim of those candidates who re-submitted documents irrespective of their filing petitions before this Court. The petitioners, at that stage, did not file their experience certificates. On account of non-filing of revised/amended experience certificates, the petitioners could not be considered because as per their earlier experience certificates they were not eligible. The respondents declared final merit list on 02.11.2022. After declaration of final result, the petitioners made representations which came to be rejected.

3. Mr. Tara Dutt, Advocate submits that petitioners were eligible and they were possessing requisite experience certificates still they have been rejected and candidates who secured marks less than them have been selected.

4. Notice of motion.

5. Mr. Aman Dhir, DAG, Punjab who on advance notice is present in Court, accepts notice and waives service.

6. With the consent of both sides, the petition is taken up for final disposal today itself.

7. Mr. Aman Dhir, DAG, Punjab submits that all the vacancies are already filled up and even waiting list stands exhausted. The respondents acting in a fair and reasonable manner re-considered experience certificates of all those candidates who after passing of different orders by this Court approached them. The petitioners opted to remain silent till the declaration of final result. After declaration of final result they submitted revised experience certificates which, at this stage, cannot be considered.

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

9. 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 alive waiting list. The petitioners may be right in their claim, however, by their act and conduct, they have waived their right. Many candidates approached this Court but petitioners remained silent. Their candidature was rejected in March’ 2023. The petitioners have acted as a fence sitter and Court cannot come to the rescue of a fence sitter.

10. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

31.07.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No