



LPA-1110-2023 (O & M)
LPA-1251-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Reserved on 10.09.2024

Pronounced on:20.09.2024

1. LPA-1110-2023 (O & M)
GURINDER SINGH AND ORS ...APPELLANTS

VERSUS

STATE OF PUNJAB AND ORS ...RESPONDENTS

2. LPA-1251-2023 (O & M)
BAL KRISHAN ...APPELLANT

VERSUS

STATE OF PUNJAB AND ORS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr.Sardavinder Goyal, Advocate with
Mr. Nishant Sindhu, Advocate for the appellant(s).

Mr. Maninder Singh, Sr. DAG, Punjab.

SUDEEPTI SHARMA, J.

1. Since both the petitions i.e. CWP-2366-2017 and CWP-7884-2017 are decided by the learned Single Judge vide one common judgment dated 19.04.2023, therefore, this Court would decide both the appeals i.e. LPA-1110-2023 and LPA-1251-2023 vide one common judgment.

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2. The challenge in the present appeals is to the judgment dated 19.04.2023 passed by the learned Single Judge whereby writ petitions bearing CWP-7884-2017 and CWP-2366-2017 filed by the petitioner(s) were dismissed.

3. Brief facts of the case are that vide advertisement dated 10.09.2016, respondent No.2 (Director Land Records, Punjab) invited online applications for direct recruitment to fill up 1227 posts of Revenue Patwari and 857 posts of Canal Patwari. The appellants participated in the selection process and qualified the written test. Thereafter, respondent No.2 short-listed the candidates for appointment. The grievance of the appellants/petitioners in the writ petitions were that despite the higher merit, the names of the appellants/petitioners were put in the waiting list for the post of Revenue Patwari and respondents No.3 to 8, who secured less marks were given appointments.

4. Learned Single Judge dismissed the writ petitions filed by the appellants/petitioners. Relevant portion of the same is reproduced hereunder:-

“A common recruitment notice was issued on 10.09.2016 while inviting online applications for direct recruitment to fill up 1227 posts of Revenue Patwari and 857 posts of Canal Patwari. As per the procedure laid down in the recruitment notice, a common written test was held. After declaration of the result, counselling schedule was published in order to check the correctness of documents of the candidates. The petitioners herein are claiming



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reservation under Ex-servicemen General Category. As per the public notice dated 10.12.2016, Ex-servicemen General Category candidates were called for counselling on 12.12.2016. All the candidates, who had cleared the written examination were entitled to participate in the counselling. On 12.12.2016, another public notice was issued while granting second chance to attend the counselling on 13.12.2016. On 13.12.2016, another public notice was issued giving another opportunity to the ex-servicemen, who had already submitted their documents to report for counselling on 14.12.2016 at 10.00 a.m.

3. The petitioners did not attend the counselling either on 12.12.2016, 13.12.2016, and 14.12.2016. Another public notice was issued on 17.12.2016 to all the candidates belonging to Ex-servicemen General Category, who could not attend the counselling previously. This was the final opportunity.

4. The grievance of the petitioners is that they are more meritorious than the selected candidates in the Ex-servicemen General Category, hence entitled to appointment in preference to the private respondents.



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5. *On the other hand, it is the stand of the State that on 12.12.2016, 13.12.2016 and 14.12.2016, the counselling was held and the select list was prepared. On 17.12.2016, only vacant posts were sought to be filled up by giving another opportunity, though not required. It is submitted that on conclusion of the counselling on 14.12.2016, the select list was prepared and the private respondents were selected strictly in accordance with the marks obtained by them in the written examination.*

6. *This Court has considered the submissions and analyzed the arguments of the learned counsels representing the parties.*

7. *The question is “Whether the petitioners, who admittedly did not attend the counselling on 12.12.2016, 13.12.2016 and 14.12.2016 should be given preference over the private respondents?”*

8. *Once, it is not in dispute that the petitioners failed to attend the counselling, though given two opportunities, they cannot be given any preference over and above the private respondents, who attended the counselling.*

9. *Hence, no ground to issue the writ as prayed for is made out.*

10. *Dismissed”*



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SUBMISSION OF THE COUNSEL FOR THE PARTIES

5. Learned counsel for the appellants contended that the appellants being more meritorious are ignored and the appointment letters were given to the private respondents, who have secured less marks than the appellants. They further contended that the respondent No.2 issued a public notice dated 17.12.2016 by giving one final opportunity to the Ex-Servicemen General (self) category and Ex-Servicemen BC (self) category, who could not attend the counselling, to report on 19.12.2016, 21.12.2016 and 22.12.2016 for counselling. In view of the public notice dated 17.12.2016, the appellants/petitioners appeared to attend the counselling but still candidates lower in merit than the appellants were given appointment letters and the appellants/petitioners were put in the waiting list.

6. Per contra, learned State counsel argued on the lines of judgment passed by learned Single Judge and submitted that the appellants did not attend counselling at first point of time, therefore, the appointment letters were not issued to them. He further contended that public notice dated 17.12.2016 was issued on the apprehension that some of the candidates leaving jobs after joining or failed to join. Therefore, the public notice dated 17.12.2016 was issued to prepare the waiting list and the appellants/petitioners were to be considered in waiting list.

7. We have heard learned counsel for the parties and perused the whole record of the instant appeals.

8. The undisputed fact is that the combined merit list as well as category wise merit list was uploaded on the website on 29.11.2016.

Thereafter counselling for checking of documents for Ex-Servicemen general category was conducted. All the candidates, who had cleared the

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written examination, were entitled to participate in the counselling. As per the public notice dated 10.12.2016 Ex-Servicemen general category candidates were called for counselling on 12.12.2016. On 12.12.2016 another public notice was issued while granting second chance to attend the counselling on 13.12.2016. On 13.12.2016, another public notice was issued giving another opportunity to the Ex-Servicemen general category candidates, who appeared for counselling but could not submit their documents were asked to report on 14.12.2016. As per the reply, the candidates of this category, who appeared in each counselling were shortlisted in order of marks secured in written examination and were recommended for enlisting as Patwari candidates. Further the reply shows that the recruitment of Ex-Servicemen general category was completed after shortlisting and recommending candidates for all posts of this category during these counselling held on 12.12.2016, 13.12.2016 and 14.12.2016. Therefore, there was no requirement of another public notice dated 17.12.2016. The undisputed fact is that the petitioners/appellants are more meritorious than the private respondents. Admittedly the appellants did not appear for counselling held on 12.12.2016, 13.12.2016 and 14.12.2016, which were the dates given by respondent No.2 as per the advertisement.

9. In view of the above, we do not find any infirmity in the judgment passed by the learned Single Judge and the same is affirmed.

10. Letters Patent Appeals stand dismissed.

11. Since, the grievance of the appellants is regarding the issuance of public notice dated 17.12.2016 vide which the candidates belonging to Ex-Serviceman-General (Self) category and Ex-serviceman-BC (self)

category were given final opportunity to report to the Director Land Records



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for counselling as they earlier failed to appear, therefore, this Court is of the opinion that justice demands that grievance regarding the issuance of public notice dated 17.12.2016 also to be decided on merits.

12. Vide public notice dated 17.12.2016 final opportunity to report Director, Land Record, Punjab (respondent No.2) on 11.12.2016, 21.12.2016 and 22.12.2016 for counselling, was given to all the candidates belonging to the Ex-Servicemen General (self) category and Ex-Servicemen BC (self) category. The same is reproduced hereunder:-

“

Dated 17.12.2016

PUBLIC NOTICE

All Candidates belonging to Exserviceman-General (Self) category and Exserviceman-BC (Self) Category who have not been able to come for counselling are given a final opportunity to report to Director Land Records on 19.12.2016, 21.12.2016 & 22.12.2016 at 10.00 am to 11.00 Am for counselling.

*Director Land Records
Punjab.”*

13. The reasoning given by respondent No.2 in the reply dated 14.05.2024 for issuance of public notice is that public notice dated 17.12.2016 was issued on the presumption that some candidates may leave the job after joining or fail to join the job for various reasons. Therefore, the public notice dated 17.12.2016 was published to call the candidates to supply them waiting list letter so that after preparing the final waiting list, these candidates could be appointed in case of any vacancy due to the non-

joining or leaving of the job of the selected candidates. Whereas a perusal of



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the public notice as reproduced above does not mention anywhere that this public notice is for the preparation of the waiting list of the candidates. This reasoning given by the respondent No.2 (Director Land Record, Punjab) is not acceptable to this Court rather by issuing the public notice, large number of candidates have been misled.

14. This conduct of respondent No.2 (Director, Land Record, Punjab) in the recruitment process is not appreciable. By issuing such kind of public notice, respondent No.2 invited unnecessary litigation, which further led to increase number of cases in the Court and the pendency as well. Since because of this public notice wherein there was no mention with regard to the aspect that this public notice is for the waiting list candidates, which stand is now taken in the reply, respondent No.2 is responsible for harassment of the candidates to approach the Courts.

15. Therefore, in view of the above, respondent No.2 (Director Land Record, Punjab) is directed to pay a compensation of Rs.1 lakh to each of the appellants/petitioners in both the appeals, since they have forced the candidates to approach the Court and the candidates had to bear the fees/expenses of the Advocates which were engaged for the said litigation.

16. All pending applications, if any, shall also stand disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

20.09.2024
A.Kaundal

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No