

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CWP-12404-2016
Date of Decision : 15.01.2024

Parveen KumarPetitioner

Versus

Punjab State Power Corporation Ltd. and anotherRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. A.P.S. Sidhu, Advocate for the petitioner.

Mr. Vishal Mittal, Advocate for the respondents.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the present writ petition under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction for deleting the clause of passing the English and Punjabi typing test within the probation period as mentioned in the eligibility criteria with a further prayer to direct the respondents to conduct English as well as Punjabi typing test prior to the appointment of the candidate as per the notification dated 17.08.2011 (Annexure P-6) issued by the Department of Personnel, Government of Punjab with further prayer to include the clause of conducting the English as well as Punjabi typing test prior to appointment for the post of LDC/Cashier in view of the abovesaid notification.

2. The brief facts as has been pleaded in the writ petition are that an advertisement dated 17.06.2015 was issued by the

respondent/Department whereby various posts including the posts of UDC/General (Office Assistant General) and LDC/Cashier were advertised. The petitioner applied for both the posts by submitting separate applications. It is the case of the petitioner that thereafter, he was issued roll number for the posts of UDC/General and LDC/Cashier and he appeared in the written test held for both the posts and secured 58.106% marks i.e. above than the qualifying marks for the post of LDC/Cashier and 55.03% marks i.e. more than the qualifying marks for the post of UDC/General. However, he could not make it to the final merit list and has not been appointed.

3. Learned counsel for the respondents has taken a preliminary objection by stating that neither the selected/appointed candidates have been impleaded as party in the present petition nor the petitioner has any locus to file the present writ petition as he is not one of the candidates selected/appointed to the abovesaid posts. He further submits that since the petitioner had already participated in the process of selection, he cannot challenge the terms and conditions of the advertisement, which are as per the UDC Ministerial Service Class III Regulations, 1985 and the said Regulations have not been challenged in the writ petition. In support of his contentions, learned counsel for the respondents has placed reliance upon the judgment of Hon'ble Supreme court passed in *Karnati Ravi and another Vs. Commissioner Survey Settlements and Land Records and others : 2017(4) S.C.T. 397* and judgments passed by this Court in *CWP-12992-2013 titled as 'Parmod Kaushal Vs. Punjab State Power Corporation Limited and another'*

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and other connected cases decided on 03.06.2016; CWP-18397-2012 titled as ‘Sunil Badhan Vs. Punjab State Power Corporation Limited’ decided on 05.10.2012 and CWP No.18959 of 2015 titled as ‘Harjinder Singh and others Vs. Punjab State Power Corporation Limited and others’ decided on 08.08.2016.

4. I have heard learned counsel for the parties and have gone through the relevant documents.

5. Admittedly, the petitioner has not impleaded the selected/appointed candidates as parties in the present writ petition. The final outcome of the present petition would affect their rights in case the same is allowed. It is settled proposition of law that no one can be condemned unheard and no adverse order can be passed against a party without giving an opportunity of being heard. Further the petitioner having participated in the process of selection and not having been selected/appointed, he cannot challenge the qualifications/terms of the advertisement lateron in view of law laid down in *Parmod Kaushal’s case; Sunil Badhan’s case and Harjinder Singh’s case (supra)*. Further, the said qualifications/conditions have been incorporated as per 1985 Regulations and in the absence of any challenge to the said Regulations, no relief can be granted to the petitioner.

6. Consequently, finding no merit in the instant petition, the same is dismissed with no order as to costs.

15.01.2024
Kothiyal

(NAMIT KUMAR)
JUDGE

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