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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13633-2016

Date of Decision:01.04.2024

KARAN SINGH & ORS

..... Petitioners

Versus

UNION OF INDIA & ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Manoj K. Tanwar, Advocate
for the petitioners.

Mr. Lokesh Narang, Senior Panel Counsel
for respondent No.1-UOI.

Mr. Samir Rathur, Advocate
for respondents No.2 and 3.

JAGMOHAN BANSAL, J. (Oral)

1. On 30.11.2017, the following order was passed:

“Respondent-Central University of Haryana proceeded to fill up non-teaching staff posts pursuant to the advertisement issued in the month of September 2014. The same was not finalized. Thereafter, in the year 2016, one more identical notification was issued.

Learned counsel for the petitioners submitted that in the absence of cancellation of first notification issued in the year 2014, respondents cannot re-notify another notification in the year 2016. Due to such action of the respondent-University, petitioners are over age for the second notification issued in the year 2016. If the Central University failed to Act on the 1st advertisement issued in the year 2014, in that event, petitioners' applications could be taken into consideration for the second notification issued on 3.5.2016

or not? In this regard, learned counsel for the respondents is hereby directed to get instructions by the next date of hearing.

List this matter on 21.12.2017.”

2. The respondent filed its reply wherein it was submitted that in the subsequent advertisement, it was specifically pointed out that candidates who have applied pursuant to earlier advertisement will have to apply afresh.

3. This Court on 21.03.23023 passed the following order:

“Learned counsel for the petitioners submits that the grievance of the petitioners pertains to the issuance of second advertisement dated 03.05.2016 (Annexure P-2), whereby required age limit of 35 years for various posts mentioned in the first advertisement dated 05.09.2014 (Annexure P-1) has been reduced to 32 years. According to the learned counsel by virtue of the second advertisement, the petitioners, who had submitted their applications have been rendered ineligible, but the written statement filed by the respondents is silent on this material issue.

In response, learned counsel for the respondents has pointed out that the subsequent advertisement dated 03.05.2016 contains a note that the candidates, who have applied pursuant to the first advertisement were required to apply afresh. However, he prays for time to seek instructions/clarification in respect of the alteration in the age limit.

Adjourned to 16.08.2023.”

4. Learned counsel for the petitioners submits that petitioners could not participate in the selection process because of reduction of age in the advertisement. The age limit 35 years was reduced in the subsequent advertisement to 32 years.

5. The matter relates to appointment of 2016. As confirmed by

respondent, all the candidates have already been appointed. There was no stay in favour of the petitioners. The respondent has discretion to fix criteria for the selection of candidates and Court cannot ask any authority to fix criteria contrary to as determined by authorities unless and until it is contrary to statutory provisions or Constitution of India.

6. All the candidates pursuant to advertisement of 2016 have already joined and a period of 8 years has passed away. This Court, at this belated stage does not find it appropriate to ask the respondents to consider petitioners pursuant to advertisement dated 05.11.2014 read with advertisement dated 03.05.2016.

7. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

01.04.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>