

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

.....Petitioner

VERSUS

.....Respondent(s)

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance of the petitioner is that the petitioner was selected for the post of ETT Teacher and appointment was also offered to him on 11.09.2016 but keeping in view certain relevant facts, as the existing Department of the petitioner did not grant “No Objection Certificate” to join the new post, the petitioner could not join within the joining period of 21 days hence, the respondents be directed to allow the petitioner to join the service now.

Upon notice of motion, the respondents have filed the reply wherein the respondents have conceded the fact that the petitioner was selected and issued an appointment order on 11.09.2016, copy of which has

been appended as Annexure P-3 but submits that as the petitioner failed to join the post in question within the time-frame granted for joining and he also did not seek any extension for joining hence, keeping in view the terms and conditions of the appointment order dated 11.09.2016 (Annexure P-3), the said offer of appointment lapsed upon non-joining of the petitioner within the time-frame granted hence, now the petitioner cannot claim the benefit of appointment in terms of the appointment order Annexure P-3.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

Once, the petitioner was issued an appointment order, which was conditional that the petitioner has to join within a period of 21 days of issuance of the appointment order, which condition was not complied with by the petitioner so as to join his post of ETT Teacher, the petitioner cannot raise any grievance now so as to claim appointment to the post in question.

With regard to the argument of the learned counsel for the petitioner is that the existing employer of the petitioner did not relieve the petitioner from service due to which the petitioner could not join within 21 days, it may be noticed that non-issuance of “No Objection Certificate” cannot be made a ground as, in case a candidate who is issued appointment does not join within the time, the candidate next in merit has to be appointed, and the selection process cannot be put on hold for a candidate so as to allow him/her to join.

Further, the present petition has been filed by the petitioner in May, 2017 though, the appointment offer was given in September, 2016 which fact also goes on to show that the petitioner was not interested to join

the post in question at the relevant time as he only filed the writ petition after expiry of period of one year.

Keeping in view the facts and circumstances of the present case, as the petitioner failed to join within the time-frame granted, which is conceded fact, no ground is made out for any interference by this Court.

Hence, the present petition is dismissed.

Pending application, if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

03-10-2024
Sapna Goyal

NOTE: Whether speaking : YES/NO
 Whether reportable: YES/NO