

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18064-2021 (O&M)

Date of decision: 05.03.2024

Sukhjinder Singh and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioners.

Mr. Rajesh Sehgal, Addl. A.G., Punjab.

NAMIT KUMAR J. (Oral)

1. On the last date of hearing, the following order was passed
by this Court:-

*“Instant petition was adjourned sine die on
20.01.2022 to await the decision of LPA No.786 of 2018.
The said LPA has been dismissed vide judgment dated
06.07.2022.*

*Learned counsel for the petitioners is not present.
Adjourned to 5.3.2024.*

*Office shall inform about the next date of hearing to
the learned counsel for the petitioners.”*

2. There is no representation on behalf of the petitioners.

3. Challenge in the present petition is to the public notice
dated 28.11.2016 (Annexure P-8) vide which recruitment process
(written test) for various posts including the post of Senior Assistant,
has been cancelled on the recommendations of the Committee.

4. The petitioners are stated to be applicants for the post of
Senior Assistant.

5. Learned counsel for the State submits that the present petition is liable to be dismissed on the ground of delay and laches as the impugned order is dated 28.11.2016 and the writ petition has been filed in the year 2021. He further submits that another similar writ petition claiming the same relief has been dismissed by the learned Single Judge of this Court vide judgment dated 19.03.2018 in CWP No.14623 of 2016, titled as “*Harpreet Singh and others vs State of Punjab and others*” and other connected cases, against which LPA No.786 of 2018 along with other connected cases, have also been dismissed by the Division Bench of this Court vide judgment dated 06.07.2022, wherein the action of the respondents in cancelling the recruitment process has been upheld. The relevant portion from the said judgment, reads as under:-

“2. Vide the said judgment the learned Single Judge had dismissed 32 writ petitions. The directions were issued to the State Government to re-conduct the examination of the cancelled posts and the writ petitioners and other candidates who had earlier applied for the posts were not to be charged further fees and permission would be given to them to appear in the examination after due verification and identification and thereafter admit cards were to be uploaded on the website. The Vigilance Bureau was directed to conclude the investigation in the meantime.

3. Being unsatisfied the writ petitioners have filed the present appeals, as the prayer made in the writ petitions was that the Public Notice dated 28.11.2016 (Annexure P-8) be quashed, vide which the recruitment process (written test) of the writ petitioners which had been conducted in pursuance of the Advertisement dated 01.07.2015 (Annexure P-1) had been cancelled. Their claim was that it was unfair, illegal and on mere suspicion and without any verification and adhering to the principles of natural justice.

4. *The case of the writ petitioners primarily is based on the ground that the selection process should have been taken to its logical end and the cancellation of 456 posts out of the 670 posts which had been finally notified was wrong and the State should make an effort as such to only cancel those ones' for which there was a specific finding that the question papers had been leaked.*

5. XXXX XXXX XXXX XXXX

6. *The short question which arises as such for consideration is that once a finding has been record that there was a taint to the examination, whether under judicial review this Court would substitute the view of the Committee as to for which of the posts advertised the examination had to be cancelled.*

7 to 19. XXXX XXXX XXXX XXXX

20. *In such circumstances, we are of the view that the decision as such of the State Government was rightly upheld by the learned Single Judge and does not warrant interference by this Court in the present letters patent appeals, as there is no illegality or infirmity in the said decision. It is for the experts to take a decision on the cancellation and not for this Court to substitute its view over the view of the experts. Resultantly, there is no merit in the present appeals and the same are dismissed.”*

6. In view of the above, there in no merit in the present writ petition and the same is dismissed, accordingly.

(NAMIT KUMAR)
JUDGE

05.03.2024

yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No