

CWP-21484-2017
Date of Decision: 04.12.2024

CWP-27443-2017

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Mr. Amarpreet Singh Bains, AAG, Punjab.

In the present bunch of petitions, the learned counsel for the petitioners submits that the petitioners competed in pursuance to the advertisement (Annexure P-1) issued in the year 1996 for the post of Clerk but no selection was made and the same posts were advertised again vide advertisement No. 01 of 1997 (Annexure P-3), in pursuance to which the petitioners competed for the post of Clerks but could not be selected keeping in view the number of posts advertised. The grievance being raised by the petitioners is that as per the instructions issued by the Government of Punjab (Annexure P-8), not only the advertised posts but even the anticipated posts should have been filled up by the respondents and therefore, the posts of Clerks, which came into being within a period of six months of the finalization of the selection list in pursuance to advertisement (Annexure P-3), should have been taken into account so as to grant the petitioners benefit of appointment.

Upon notice of motion, the respondents have filed the reply, wherein the respondents have stated that though, 892 posts were advertised but keeping in view the fact that number of posts had increased which have come into being, 916 candidates were recommended and the names of the petitioners were not recommended as they were lower in merit and therefore, question of offering them appointment does not arise.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the number of advertised posts, against which the petitioners were competing were 892 and against the said posts, 916 candidates were already recommended which is more than 892, and the petitioners' names were never recommended as they were lower in merit, the question of offering them appointment does not arise. Once, the names of the petitioners have never been recommended, it cannot be said that they are the selected candidates so as to be considered even against the vacancies which were arose within a period of six months of the select list being prepared. Only the candidates who are in waiting list, can claim the said benefit in case, any such waiting list has been prepared and the posts had become available subject to any decision being taken by the employer whether, they would like to fill the said posts out of the waiting list or advertise the same to be filled in the next selection process.

Keeping in view that fact that the petitioners are claiming appointment against the posts of Clerks which were advertised in the year 1997, after which, number of advertisement have been issued for appointment to the post of Clerks and the posts have been filled up, granting the petitioners consideration despite the fact that their names were never recommended, does not arise.

No ground is made out for any interference by this Court qua the prayer made in the present petitions.

Dismissed.

Photocopy of this order be placed on the connected file.

04.12.2024
smriti

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No