



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-27361-2015 (O&M)
Date of Decision : 20.08.2024

Gurjit Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surmukh Singh, Advocate
for the petitioner.

Mr. Satnam Preet Singh, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the claim of the petitioner is that the petitioner was at Sr. No. 2 in the waiting list in respect of the post of Lecturer Political Science, which have been advertised by the respondents on 23.09.2009, but he has been ignored so as to appoint a candidate though in merit.
2. The petitioner competed for the post in the general category against 20 posts, which were to be filled up in the category of Lecturer Political Science, however, the petitioner could not get selected against the advertised post. The allegation of the petitioner is that though, the petitioner



is at Sr. No. 2 in the waiting list, the candidate at Sr. No.1 in the waiting list namely, Roop Kamaljit Kaur has been granted appointment and another candidate namely, Lakhwinder Singh, who was having lower merit than the petitioner has also been granted appointment, which act on the part of the respondent-department is arbitrary and illegal and, therefore, as respondent No.5 who had lesser merit than the petitioner, was appointed, the petitioner having a preferential right, should also be appointed on the post of Lecturer in Political Science.

3. After notice of motion was issued, the respondents have filed the reply. In the reply, the respondents have stated that the petitioner's claim had been considered as per law and as the petitioner could not get selected within the 20 posts to be filled in the general category qua the post of Lecturer in Political Science, no grievance can be raised by him. The further contention of the learned counsel for the State that the candidate at Sr. No.1 in the waiting list namely, Roop Kamaljit Kaur has not been appointed. With regard to respondent No.5, it has been mentioned by the respondents-State in the reply that Lakhwinder Singh's merit was recalculated keeping in view the fact that he had shown his MPhil degree, which was not taken into account earlier, and his merit has been recalculated as 63.75 whereas, after the recalculation, the merit of the petitioner is much less than respondent No.5 hence, the respondent No.5 has been appointed in preference to the petitioner.

4. Learned counsel for the petitioner further submits that as per the order in Annexure P-6, Roop Kamaljit Kaur has been appointed as the



last candidate in the category of Lecturer in Political Science (General) and therefore, the assertion of the respondent-State that she has not been appointed and that she had been at Sr. No.1 in the waiting list, is incorrect.

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

6. It may be noticed that in the initial list of 20 candidates, Roop Kamaljit Kaur has been mentioned at Sr. No. 20. but after claim was raised by Lakhwinder Singh whose merit was recalculated even more than Roop Kamaljit Kaur, she was shifted to the waiting list at Sr. No.1. That being the factual aspect, as per the reply, she has not been appointed, is correct, which fact has not been rebutted by the petitioner by filing any replication.

7. Even otherwise, Roop Kamaljit Kaur has a better merit than the petitioner. Nothing has come on record that any candidate having lower merit than the petitioner has been appointed on the post in question. In the absence of any factual averment or any fact brought on record that any candidate lower in merit than the petitioner has been appointed on the said post, no grievance can be raised by the petitioner.

8. Further, it has already come on record that 20 posts in the general category were to be filled up and all 20 posts which were advertised have already been filled up. Once all 20 posts of Lecturer Political Science (General) have been filled up, and no candidate lower in merit than the petitioner has been granted appointment in preference to the petitioner, no ground is made out for any interference by this Court.

9. Dismissed.



10. All pending applications, if any, stand disposed of accordingly.

20.08.2024 (HARSIMRAN SINGH SETHI)
Satyawan JUDGE

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