



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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LPA-1838-2024 (O&M)
Date of decision: 06.08.2024

Neelam and others

....Appellants

Versus

State of Haryana and others

...Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Varun Veer Chauhan, Advocate
for the appellants.

DEEPAK MANCHANDA, J.

1. Through this intra Court appeal appellants have challenged the impugned judgment dated 20.05.2024 passed in CWP-17510-2020 vide which the learned Single Judge dismissed the writ petition filed by appellants on the ground that once finding irregularities, the selection process was cancelled qua the advertised posts, that too five years ago, so appellants have no right to be appointed.

2. The outlined facts emanating from the pleadings are that the appellants and proforma respondents No.5 and 6 filed writ petition for their appointment in pursuance to the selection process already undertaken where during the process certain complaints were received by the competent authority regarding irregularities committed while conducting the selection.

Accordingly, an enquiry was conducted and in view of the enquiry report,



respondent No.3 being competent authority decided to discontinue the selection process and the said advertisement was shelved.

3. We have heard learned senior counsel for the appellants.

4. The learned Single Judge relying upon the judgment passed by the Hon'ble Apex Court in Civil Appeal No.4150-2022 titled as Employees State Insurance Corporation and another Vs. Dr. Vinay Kumar and others decided on 18.05.2022 dismissed the writ petition filed by the appellants where Hon'ble Apex Court held that the candidate has no legal right to insist that the recruitment process set in motion be carried to its logical end. Even inclusion of a candidate in the select list may not clothe the candidate with such a right and no direction can be issued to conclude the recruitment. As similar prayer was made by the present appellants in their writ petition filed before the learned Single Judge but it is only after due enquiry the competent authority decided not to make any selection and as per Hon'ble Apex Court in aforesaid judgment, Courts have no power to direct the respondents to complete the selection process and to grant appointment. Learned Single Judge dismissed the writ petition vide impugned judgment on the ground that the competent authority was within its jurisdiction to decide as to whether the selection process is to be taken to the logical end or not and merely that no grievance was raised qua a particular post, does not give a right to the appellants to claim appointment against the said post. Moreover, the selection was being made on contractual basis and not on regular basis where even the selection process had already been shelved since long i.e. about five years ago. Hence, in the absence of any legal right with the appellants to claim selection and appointment, no directions were passed especially, when the competent authority decided to end up with the

selection process based upon the enquiry report where certain irregularities were committed and said factual aspect has gone unrebutted at the hands of appellants.

5. In the light of the above discussion, we are not inclined to interfere.

6. Dismissed.

7. Pending miscellaneous application(s) shall also stand disposed of.

(DEEPAK MANCHANDA)
JUDGE

(DEEPAK SIBAL)
JUDGE

06.08.2024

Sapna Adhikari/vanita

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No