

**CWP-4046-2017****1**

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

(216)**CWP-4046-2017****Date of Decision : October 14, 2024****Shinku Kumar****.. Petitioner**

Versus

State of Punjab and others**.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Madhav Pokhrel, Advocate, for the petitioner.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that he was duly selected on the post of Village Associate Teacher, which were advertised by the respondents but he was not granted appointment though, the candidates having lower merit have already been selected and appointed, which is causing prejudice to the petitioner.

2. Learned counsel for the petitioner submits that the petitioner was selected by the respondents as per the order dated 11.09.2013, copy of which has been appended as Annexure P-5 and therefore, the petitioner should have been appointed.

3. Learned counsel for the petitioner concedes the factum that at the time when selection list was released, the petitioner could not give his undertaking for appointment as he had met with an accident.

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4. Learned counsel for the petitioner submits that thereafter, when another list was prepared by the respondents on 17.11.2015 (Annexure P-20), only the candidates in the subject of Punjabi, English and Social Studies were called for giving their undertaking for appointment but no such opportunity was given to the candidates who were selected in the subject of Math due to which, the petitioner could not join.

5. Upon notice of motion, the respondents have filed the reply wherein, they have submitted that after 17.11.2015 (Annexure P-20), another opportunity was given to all the candidates vide public notice dated 07.05.2016 (Annexure R-2) wherein, all the candidates, who could not earlier give undertaking/uploading their willingness to join, were given a last opportunity to join upto 16.05.2016 but the petitioner failed to join and therefore, once the selection process has already been closed and the present writ petition was filed approximately one year after the selection process had come to an end, the claim of the petitioner cannot be considered for appointment.

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

7. It is a conceded fact that as per the merit list dated 15.10.2014 issued by the respondents, copy of which has been appended with this petition as Annexure P-6, the petitioner was selected as Village Associate Teacher in the subject of Mathematics. It is also a conceded position that the petitioner never gave any willingness to join the post as required by the respondents.

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8. The only grievance being raised by the petitioner is that once a candidate lower in merit has been appointed, the petitioner should have also been appointed. The said contention is to be adjudicated on the basis of the facts which have come on record. The petitioner concededly never gave acceptance after he was selected vide selection list dated 15.10.2014 (Annexure P-6) as he had suffered an accident. Thereafter, the last opportunity was given by the respondents to all the candidates, who were selected by uploading their willingness to join the post but the petitioner failed to join the said post upto the last dated 16.05.2016. Once the petitioner failed to join by giving due willingness, the grievance cannot be raised by the petitioner. Once the selection process has already been closed and no appointment has been given to anyone after 16.05.2016, by filing the present petition after about seven months of the last date, no grievance can be raised by the petitioner as it was the petitioner, who despite being selected, never gave any willingness.

9. With regard to the grievance that while giving the opportunity to the candidates in the subject of Punjabi, English and Social Studies another opportunity to join in November 2015, the petitioner should have also been given opportunity, it may be noticed that after 17.11.2015, the petitioner was given an opportunity to join upto 16.05.2016, which option was not availed by the petitioner and therefore, no grievance can be raised by him with regard to joining of the candidate being lower in merit.

10. At this stage, learned learned counsel for the petitioner submits that opportunity to join upto 16.05.2016 was also upto the candidates whose names have already been given in the notice.

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11. The said observation is incorrect. In the public notice Annexure R-2, no subject wise list has been given rather all the candidates, who were selected, but could not join, were given the opportunity and therefore, the petitioner's argument that he was not given opportunity vide Annexure R-2, is incorrect and cannot be accepted.

12. Keeping in view the above, no ground is made out for any interference by this Court in the present case.

13. Dismissed.

October 14, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No