



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

120

CWP-22195-2024

Date of decision : 04.09.2024

Niraj Kumar

.....Petitioner

V/S

The Punjab Pollution Control Board and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Parminder Singh Gill, Advocate for the petitioner.

Mr. Ashish Verma, Advocate for respondent No.1.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Article 226 of the Constitution of India, seeking a writ in the nature of certiorari, quashing the “important note” of Para No.4 of advertisement No.2022108 dated 03.10.2022 (Annexure P-2), issued by respondent No.2 to the extent of infringement upon the right of the petitioner and similarly qualified candidates, which is preventing the petitioner from applying to the post of Junior Environmental Engineer (Group B). Further seeking a writ in the nature of mandamus, directing the respondents to revise para 8.1 of the advertisement No.2022108 to the extent of extending the last date to apply online for the post of Junior Environmental Engineer (Group B) and to permit the petitioner and similarly qualified candidates to provisionally participate in the selection process for the abovesaid post.

**CWP-22195-2024**

2. The brief facts, as have been pleaded in the present petition, are that the petitioner acquired the qualification of B.Tech (Civil Engineering) from Punjabi University, Patiala in June, 2023. Respondent No.2-the Punjab Public Service Commission (hereinafter referred to as 'the Commission') invited online applications from eligible candidates for recruitment of 21 posts of Junior Environmental Engineer (Group-B) in respondent No.1-Punjab Pollution Control Board (hereinafter referred to as 'PPCB') in pursuance to the advertisement No.2022108 dated 03.10.2022 (Annexure P-2). The Commission also invited online applications from eligible candidates for recruitment of 32 posts of Assistant Environmental Engineer (Group A) in pursuance to the advertisement No.2022106 dated 03.10.2022 (Annexure P-1) in the Department of Science, Technology and Environment, Government of Punjab. In both the advertisement it was stipulated that the candidate must possess the requisite qualification before 26.10.2022. The prescribed qualification for the post of Assistant Environmental Engineer (Group A) was challenged by some persons by filing CWP No.29072 of 2022 titled as 'Harmanpreet Singh and another Vs. The Punjab Pollution Control Board and others', wherein notice of motion was issued on 11.01.2023 for 18.04.2023 and selection process was stayed. Thereafter, the PPCB filed an application bearing CM No.6475-CWP of 2023 in the abovesaid writ petition for vacation of interim order dated 11.01.2023 and the said application was disposed of vide order dated 21.02.2024 with the direction that the petitioner in that writ petition be allowed to participate in the selection process, subject to the



CWP-22195-2024

final outcome of the writ petition and the interim order granted vide order dated 11.01.2023 was vacated. Thereafter, the Commission issued revised general information for the candidates for advertisement No.2022106, whereby 09 additional posts of Assistant Environmental Engineer (Group A) in the Department of Science, Technology and Environment, Government of Punjab, were added in the 32 posts published earlier and online applications from the eligible candidates were invited on or before 23.08.2024. Thereafter, another advertisement No.13 of 2024 has been issued by the Subordinate Services Selection Board, Punjab on 30.07.2024 inviting online applications for 05 posts of Junior Environmental Engineer on or before 19.08.2024 (Annexure P-5).

3. The grievance of the petitioner in the present writ petition is that although fresh applications have been invited for 41 posts of Assistant Environmental Engineer (Group A), however, similar exercise has not been undertaken by the respondents for the post of Junior Environmental Engineer, whereas the petitioner has become eligible for the post of Junior Environmental Engineer as he has acquired the essential qualification for the said post in June, 2023.

4. I have heard learned counsel for the petitioner and learned counsel for respondent No.1 and perused the relevant documents with their able assistance.

5. The facts are not in dispute. The claim raised by the petitioner in the present writ petition cannot be accepted as the petitioner has no locus for consideration of his candidature for

**CWP-22195-2024**

appointment to the post of Junior Environmental Engineer (Group B) unless he has applied and is fully eligible in pursuance to advertisement issued by the authority concerned. When the advertisement No.2022108 dated 03.10.2022 for recruitment of 21 posts of Junior Environmental Engineer was issued, the petitioner was not eligible as he has acquired the qualification of B.Tech in June, 2023, whereas as per advertisement the candidate must have acquired qualification by 26.10.2022, therefore, he could not apply for the said post and is claiming that the respondent-Commission should extend the last date for inviting applications to enable the petitioner to apply for the abovesaid post likewise the procedure adopted with regard to the post of Assistant Environmental Engineer. No doubt, if the petitioner fulfills all the conditions of the advertisement No.13 of 2024 issued by the Subordinate Services Selection Board, Punjab, he could have applied against 05 posts of Junior Environmental Engineer, however, he has no right to seek a writ of mandamus for directing the respondent-Commission for fixing fresh cut off date for inviting online applications for the posts of Junior Environmental Engineer as the same lies within the domain of the respondents. The petitioner, who was not even eligible for the post of Junior Environmental Engineer when the posts were advertised cannot claim parity for fixing fresh cut off date for the post of Junior Environmental Engineer. It is settled proposition of law that even the selection does not confer any right upon the candidate to be appointed to a post. As the appointment is subject to other factors, such as verification of documents, medical fitness and satisfaction of eligibility

**CWP-22195-2024**

criteria. Reliance is placed upon the judgment passed by Hon'ble Supreme Court in ***Commissioner of Police and another Vs. Umesh Kumar : 2020(4) SCT 551*** and Division Bench of this Court in ***Rakesh Kumar and others Vs. Dharam Pal and others : 2022(3) SCT 363***. The petitioner has not even applied against the advertised post of Junior Environmental Engineer in year 2022, being not eligible and yet seeking issuance of mandamus to the respondents for extending the fresh cut-off date for the post of Junior Environmental Engineer which is not well founded. Reliance is placed upon the judgment passed by Hon'ble Supreme Court in ***Hirandra Kumar Vs. High Court of Judicature at Allahabad and another : 2020(17) SCC 401*** and by this court in ***Annu Vs. State of Haryana and others : 2023 NCPHHC 45484***. In a recent judgment titled as ***Rita Singh Vs. State of Rajasthan : 2024 Live Aw (Rajasthan) 133***, it has been reiterated by the Rajasthan High Court that fixing a cut-off date for recruitment process falls purely in the domain of the employer and such a cut-off date was uniform for all the applicants and could not be relaxed for certain participants. The Court said :-

“It is a settled position of the law that the setting and beholding of a cut-off date falls purely within the domain of the employer, to be decided and/or imposed in accordance with the necessities accruing to them and the administration of the concerned examination.”

6. In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

04.09.2024

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**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No