



CWP-22530-2024 (O&M)

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

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CWP-22530-2024 (O&M)
Date of Decision :10.09.2024

Bhuvan Gupta and another**..Petitioners**

Versus

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

Present: Mr. S.K. Sharma (Budhladawale), Advocate for petitioners.

Mr. Swapan Shorey, DAG, Punjab.

Mr. Ashish Verma, Advocate for the respondent-Board.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, grievance being raised by the petitioners is that State-Commission i.e Punjab Public Service Commission had issued an advertisement dated 03.10.2022 (Annexure P/5) advertising 21 posts of Junior Environmental Engineer. The petitioners though, applied in pursuance to the said advertisement but as they did not had the minimum required qualification to be eligible to compete for the post in question, they were not treated eligible to compete for the post in question. Thereafter, 05 posts of Junior Environmental Engineer became vacant for which, an advertisement being advertisement No.13 of 2024 dated 30.07.2024 (Annexure P/8) has been issued by the Subordinate Services



Selection Board, Punjab but unfortunately, the petitioners missed the said advertisement and could not apply.

Learned counsel for the petitioners submits that action of the respondents in advertising same posts through different selecting agencies i.e Punjab Service Public Commission as well as by Subordinate Services Selection Board, Punjab is arbitrary and illegal and as a particular post can only be filled up by the same selecting agency.

Learned counsel for the petitioners further submits that in case, five posts which have now been advertised by Subordinate Services Selection Board, Punjab vide Annexure P/8 was to be advertised by the Punjab Public Service Commission, the earlier advertisement Annexure P/5 would have been modified so as to allow the petitioners to gain the eligibility up to the year 2024 and hence, in the facts and circumstances of the present case, the petitioners have been caused prejudice due to the inaction on the part of the respondent- selecting agency.

Notice of motion.

Mr. Swapan Shorey, DAG, Punjab accepts notice on behalf of the respondent-State and submits that his oral submissions be taken on record to decide the issue raised by the petitioners in the present petition.

Learned counsel for respondent-State submits that up to the year 2023, the jurisdiction to select the candidates in respect of Group-B posts was with the Punjab Public Service Commission and that is why, when the advertisement Annexure P/5 was issued advertising 21 posts of Junior Environmental Engineer, the same was advertised by Punjab Public



Service Commission and, thereafter, a decision was taken by the State to confer the said jurisdiction to make selection of Group-B posts through Subordinate Services Selection Board, Punjab and that is why, 05 post of Junior Environmental Engineer, which came into being after 2024 has been advertised by the Subordinate Services Selection Board, Punjab hence, petitioners cannot raise any grievance that for the same posts without any valid jurisdiction, have been advertised by two different selecting agencies.

Learned counsel for the respondents submits that keeping in view the facts which have been mentioned in the present petition, the petitioners are not eligible to apply against the 21 vacancies of the Junior Environment Engineer advertised vide Annexure P/5 whereas, despite being eligible, the petitioners chose not to make any application against the 05 posts of Junior Environmental Engineer advertised by the Subordinate Services Selection Board, Punjab hence, once, the petitioners are not able to compete against any of the post advertised by the two different agencies, no grievance can be raised by the petitioners.

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

Qua the argument of the learned counsel for the petitioners that same post of Junior Environmental Engineer has been advertised by two different selecting agencies, respondent-State has clarified that prior to the year 2023, the jurisdiction to select the candidates qua group-B post was with the Punjab Public Service Commission, which jurisdiction was conferred upon Subordinate Services Selection Board, Punjab after year of



2023. Once, 21 posts of Junior Environmental Engineer had already been advertised by the Punjab Public Service Commission vide Annexure P/5, the Punjab Public Service Commission prior to 2023, Commission was allowed to make said selection as the advertisement had already been issued prior to the grant of jurisdiction to the Subordinate Services Selection Board, Punjab qua the selection in respect of Group-B post hence, keeping in view the said explanation given, it cannot be said that two different selecting agencies making selection qua same post keeping in view the fact and circumstances of the present case, is arbitrary and illegal.

The argument of the learned counsel for the petitioners is that had the 05 post which are to be filled up as per the advertisement issued by the Subordinate Services Selection Board, Punjab advertised by the Punjab Public Service Commission then, the eligibility criteria for the 21 posts would have been modified and petitioners would have gained eligibility to compete for the said posts, is an unfounded and fallacious argument.

The petitioner cannot argue that in order to give them eligibility, action should be taken in accordance with the criteria which suits them. Petitioners, who were not eligible against the 21 vacancies of Junior Environmental Engineer advertised vide advertisement Annexure P/5 issued by the Punjab Public Service Commission, they cannot raise any grievance as they were not eligible to compete for the same.

Further, the conceded position is that the petitioners never applied for the 05 post of Junior Environmental Engineer advertised by the Subordinate Services Selection Board, Punjab hence, the petitioners are not



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claimant for the said 05 posts. Once, the petitioners have not competed for any of the advertised posts either by Punjab Public Service Commission or by Subordinate Services Selection Board, Punjab, no grievance can be raised by them that two different selecting agencies are making selection to the same posts.

No other argument has been raised.

Keeping in view the facts and circumstances recorded hereinabove, no ground for interference is made out and the writ petition is accordingly dismissed.

Civil miscellaneous application pending, if any, is also disposed of.

September 10, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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