



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

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CWP-26265-2021 (O&M)

Date of Decision : 22.08.2024

Harmandeep Singh

.. Petitioner

Versus

Punjab Agricultural University, Ludhiana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.S. Rawat, Advocate
for the petitioner.

Ms. Armaan Saggar, Advocate
for the respondent.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner competed for the post of Network-cum-Programming Assistant as advertised in advertisement No. 2 of 2019 (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner competed for the post in question and as against one post of general category, the petitioner was placed at Sr. No.2 in the merit list and, therefore, as the candidate at Sr. No.1 in the merit list, namely Gaganpreet Kaur did not join, the petitioner was required to be offered appointment in the open category being the next candidate.

3. Upon notice of motion, the respondents have filed the reply



wherein, the respondents have mentioned that keeping in view the merit list Annexure P-2, only one candidate has been selected in each category against two posts as advertised and as there was no waiting list, the petitioner cannot claim the benefit of appointment as in the absence of any waiting list prepared, no appointment can be offered to the petitioner.

4. Learned counsel for the petitioner submits that as per the University Regulations, against one post, three names were required to be mentioned and as, only one name has been mentioned, the same cannot take away the right of the petitioner for consideration for appointment being the next meritorious candidate, which fact is clear from the merit list which has been prepared by the respondents themselves, copy of which has been appended as Annexure P-2.

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

6. From the final select list Annexure P-3, it is clear that only one candidate in each category has been recommended against the two advertised posts. Against the open category, Gaganpreet Kaur, who was at Sr. no.1 has been recommended and in the reserved category for Scheduled Caste, Ashok Kumar, who was the meritorious candidate in the said category, has been recommended. No candidate has been kept in the waiting list to offer the appointment. In absence of any waiting list prepared, no claim can be raised by the petitioner to claim the benefit of appointment, even if, the first candidate selected does not join. Hence, the claim of the petitioner has rightly not been considered as, the petitioner was not even



part of the select list, having no waiting list mean.

7. Learned counsel for the petitioner submits that in the present case, there is a mandate to recommend three names in order of preference and, therefore, the recommendation of a single name by the Selection Committee is bad.

8. The relevant rule i.e. Chapter 5, Clause 5(v) of the Act and Statutes of the Punjab Agricultural University, Ludhiana, which is being relied upon by the petitioner is as under :

“(v) After interviewing the candidates or considering them in absentia, as the case may be, the committee shall recommend to the Vice Chancellor, as far as possible, at least three persons in order of preference.”

9. A bare perusal of the above reproduction would show that the rule is not mandatory but gives the power to the Selection Committee to make recommendations of three names. The word used is “as far as possible”. Hence, once there is no mandatory rule prescribing three names to be recommended for each post, it cannot be said that the rule mandates, the recommendation made by the Selection Committee, copy of which has been appended as Annexure P-3, is arbitrary, illegal or contrary to the rules. Merely that on an earlier occasions, the Selection Committee recommended three names, will not make it mandatory for the subsequent Selection Committee also to follow the same, especially when the option is given to the Selection Committee to make the recommendations of more than one name . Once, the rule does not mandate compulsorily recommendations of more than one name, no grievance can be raised by the petitioner in the



present petition to claim the benefit of appointment after Gaganpreet Kaur, who was at no.1, who failed to join the service.

- 10. No ground is made out for interference by this Court.
- 11. Dismissed.
- 12. All pending applications, if any, stand disposed of accordingly.

22.08.2024 (HARSIMRAN SINGH SETHI)
Satyawan JUDGE

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