



CWP-30413-2024

-1-

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

113

CWP-30413-2024

Date of decision: 11.11.2024

NIKHIL ARORA

...PETITIONER

Vs.

STATE OF PUNJAB AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. G.K. Moudgil, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 26.05.2023 (Annexure P-11) whereby his candidature has been rejected. He is further seeking direction to respondents to consider him for the post of Assistant Financial Officer.

2. The petitioner pursuant to Advertisement No. 5 of 2021 dated 17.08.2021 applied for the post of Assistant Financial Officer. As per procedure prescribed in the advertisement, there were two stages of selection process. First was written test and second scrutiny of documents. At the stage of scrutiny of documents, litigation ensued between candidates and Selection Board. This Court passed multiple orders whereby respondents were directed to reconsider claim of all the candidates.

**CWP-30413-2024**

-2-

3. In the wake of directions of this Court, the respondents reconsidered experience certificate of all the candidates. The candidates were granted liberty by this Court to furnish certificate of Chartered Accountant, in case they had received salary in cash. The petitioner also submitted C.A. Certificate in support of his contention that he had received salary in cash. The respondents did not accept experience certificate furnished by him. He claims that he had worked with M/s. Guru Kripa Milk Bar from 08.11.2018 to 05.09.2021. A Committee of Domain Experts constituted by respondents, scrutinized certificate of petitioner and concluded that experience claimed by him is not relevant experience.

4. Mr. G.K. Moudgil, Advocate submits that seats are still lying vacant, thus, he should be considered. The claim of petitioner has wrongly been rejected.

5. Notice of motion.

6. Mr. Aman Dhir, DAG, Punjab who on advance notice is present in Court, accepts notice on behalf of respondent-State and submits that selection process has already been concluded and final merit list was issued on 26.05.2023. The selection process cannot be kept pending for an indefinite period. The seats which are lying vacant, have been reserved on account of pending litigation.

7. I have heard the arguments of learned counsel for the parties and perused the record.

8. It is undisputed that selection process has already been completed. As submitted by learned State Counsel, all the candidates including those forming part of waiting list have already been selected. There is no alive waiting list. The petitioner may be right in his claim, however, by his act and conduct, he



CWP-30413-2024 -3-

has waived his right. Many candidates approached this Court but petitioner remained silent. His candidature was rejected in March’ 2023. The petitioner has acted as a fence sitter and Court cannot come to the rescue of such a person.

9. Dismissed.

11.11.2024
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[JAGMOHAN BANSAL]
JUDGE

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