



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

225

CWP-5132-2021 (O&M)

Date of decision: 19.02.2025

Gaurav Jain

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.K. Arora and Mr. Jugam Arora, Advocates for the petitioner
Mr. Swapan Shorey, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The petitioner, having applied under the General Category and attended the counseling on 19.12.2016, prays for the declaration of results pursuant to Advertisement No. 3 of 2016, dated 05.09.2016, issued by Respondent No.3, inviting applications for three positions of Craft Teacher/Instructor under Respondent No. 1, with one post reserved for SC (M&B) and two allocated to the General Category.

2. Attention is drawn by the learned State counsel to Annexure R-6, appended to the reply dated 21.03.2022 filed by Respondent Nos. 1 and 2, wherein it is stated that the posts in question were surrendered through a notification dated 26.02.2021, considering restructuring of the existing staff strength and the implementation of approved positions, as per which respondent No.3-Board, issued a public notice on 19.05.2021, regarding cancellation of requisition, as has been stated in paragraphs 4 and 5 of its reply.

3. Matters such as the creation and abolition of posts, cadre



restructuring, recruitment strategies, qualification standards, selection processes, and performance assessments fall exclusively within the domain of the employer, alongside initiatives to enhance administrative efficiency. Furthermore, establishing this principle in **Union of India v. Pushpa Rani**¹, it was unequivocally held that the Court cannot dictate the manner in which the employer structures or reorganises cadres to improve administrative efficiency.

4. Meeting the prescribed eligibility criteria and qualifications entitles an applicant only to due consideration, however, it is trite that mere inclusion also in a selection does not confer an indefeasible right to appointment.

5. The decision taken by the government in the present case being anchored in rational deliberation and a conscious application of mind cannot be said to be marred by vice of arbitrariness, thus, the present petition lacks merit and is hereby dismissed.

(AMAN CHAUDHARY)
JUDGE

19.02.2025
M.Kamra

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

¹ (2008) 9 SCC 242