



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-14098-2004
Date of decision: 07.03.2025

SURINDER KUMAR

.....Petitioner

VERSUS

HARYANA STAFF SELECTION COMMISSION

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Satish Chaudhary, Advocate
for the petitioner.

Mr. P.C. Goyal, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The petitioner had approached this Court seeking directions to the respondents to consider the petitioner eligible and to permit him to participate in the interview and for selection to the post of Dispenser (Ayurveda).

2. The petitioner had applied for the post of Dispenser (Ayurveda) pursuant to advertisement No. 7/2003 under Category No. 19 wherein 102 posts were advertised, being in possession of Degree of Ayurvedacharya (Bachelor of Ayurvedic Medicine & Surgery).



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3. Learned Counsel appearing on behalf of the petitioner contends that the position in law has been ruled in favour of the petitioner by Hon'ble the Supreme Court in the matter of "***State of Haryana versus Abdul Gaffar Khan and another***" reported as ***2006 (11) SCC 153***. The said aspect is not disputed by the learned State Counsel.

4. Hence, insofar as the legal question raised by the petitioner in the present writ petition is concerned, the same stands answered in his favour. However, while advertng to his substantive relief for seeking issuance of directions to the respondents to interview him and to select him for the post of Dispenser (Ayurveda) is concerned, it is evident that at the time when the writ petition was filed, the petitioner had not been provisionally allowed to participate in the selection process and the writ petition was admitted. The appointments made were, however, subject to final outcome of the present writ petition vide order dated 13.09.2004. A period of more than 20 years has elapsed since then. The petitioner thus was never interviewed in the selection process and it is only conjectural that had he been allowed to participate in the selection process, he would have also figured in the merit list for being recommended for appointment.

5. There are too many conjectural conclusions to assume. Such conjectural cascading effect cannot be accepted by this Court at this juncture so as to issue a direction to the respondents to take a special interview of the petitioner with respect to the earlier concluded selection process. Moreover even the record pertaining to the same may or may not be available with the respondent authorities and even the Committee which conducted the



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interview would no more be available for an equality based evaluation of the merit of the petitioner.

6. Further, Counsel for the petitioner does not dispute that the petitioner was nearly 30 years of age as on the date when the writ petition was filed. Hence, currently he is above 50 years of age and more over the persons who were appointed pursuant to the finalized selection list would have already served in their respective post for more than 20 years. It would thus not be feasible at this juncture to interfere in the process of selection that has already attained finality and people have settled and saddled in their respective positions.

7. The present writ petition is accordingly disposed of as having been rendered infructuous.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 07, 2025
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No