



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

**CWP-21387 of 2022 (O&M)
Date of Decision:11.09.2025**

Chanchla Devi

....Petitioner

vs.

Union Territory, Chandigarh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Akshit Pathania, Advocate
Mr. Arjun Dev, Advocate
for the petitioner

Mr. Baljinder Singh, Advocate
Mr. Deepak Malhotra, Advocate
for respondents No. 1 and 2

Mr. Rajdeep S. Cheema, Advocate
for respondents No. 3 and 4

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent No. 4 to issue her appointment letter.

2. The petitioner joined respondent No. 3-D.A.V. College, Sector-10, Chandigarh (for short 'respondent') on 28.08.2012 as Clerk. She was promoted as Junior Assistant on 29.08.2017. The respondent floated advertisement whereby applications were invited for the post of Superintendent Grade-II. The petitioner applied for the post. A Committee



comprising six members including nominee of Director, Higher Education, Chandigarh (for short 'DHE') on 14.10.2019 conducted interview of 34 candidates. Mr. Neeraj Prajapati-respondent No. 5 came to be selected as successful candidate. It is apt to notice that there was only one advertised post. Name of petitioner figured at Sr. No. 1 in the waiting list. The selected candidate despite repeated reminders did not join. He was given last opportunity vide communication dated 23.07.2020. Despite last opportunity, he did not join. The respondent did not think it appropriate to effectuate waiting list whereas vide communication dated 23.10.2020 requested DHE to allow it to advertise the aforesaid post.

3. Mr. Akshit Pathania, Advocate submits that the moment candidature of selected candidate came to be rejected, the respondent was bound to invite candidates from waiting list. The petitioner was at Sr. No. 1 in the waiting list, thus, she was entitled to the advertised post. The respondent acting in an arbitrary and unreasonable manner did not invite her and decided to re-advertise the post.

4. Per contra, Mr. R.S.Cheema, Advocate submits that petitioner is not possessing requisite qualification i.e. Master's Degree, thus, she was not offered appointment letter. As per procedure, after selection, documents of selected candidates are forwarded to DHE and Panjab University. Respondent No. 5 despite multiple opportunities did not join and petitioner was lacking educational qualification, thus, she was not invited.

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



6. From the perusal of record, it is evident that respondent conducted interview of 34 candidates on 14.10.2019. A Committee of six members conducted the interview. One member of the Committee was nominee of DHE. The Committee recommended respondent No. 5 as selected candidate. Two candidates were shown in waiting list. The petitioner was shown at Sr. No. 1 in the waiting list. Due to reasons known to respondent No. 5, he did not join despite granting multiple opportunities. The respondent vide communication dated 23.07.2020 intimated him that he has already been granted maximum period for joining, thus, he should not make request for further extension. The select list was issued on 14.10.2019 and validity of select list was till 13.10.2020.

7. The respondent vide communication dated 23.07.2020 made it clear to respondent No. 5 that no further extension would be granted to him. Before the expiry of select list, the respondent was bound to invite petitioner for the advertised post. Name of petitioner figured at Sr. No. 1 in the waiting list. There was no occasion for respondent to re-advertise the post without giving opportunity to a candidate whose name figured at Sr. No. 1 in the waiting list. Object of waiting list is defeated if candidates from the waiting list are not invited despite non-joining of selected candidates.

8. The contention of respondent that petitioner is not possessing Master's Degree seems to be misconceived because respondent itself has placed on record Mark Sheet of petitioner of M.A. (Sociology). Mark Sheet cannot be obtained without completing Degree. The petitioner has completed Master's Degree in 2013, thus, it is highly improbable that she is not possessing Degree. In case of doubt, the respondent could ask petitioner



to submit Master’s Degree. It seems that respondent, at this belated stage, has cooked lame excuse to defend its unwarranted action. Actual reason seems to be different.

9. In the wake of above discussion and findings, this Court is of the considered opinion that instant petition deserves to be allowed and accordingly allowed. The respondent is directed to forward case of petitioner along with requisite documents to DHE and Panjab University for further action. The petitioner shall submit her Master’s Degree within one week from today to the respondent who in turn shall further forward documents to DHE and Panjab University within two weeks.

10. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

11.09.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	