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

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CWP-32303 of 2019 (O&M)
Date of Decision:20.05.2025

Arvinder Kaur

....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Ms. Veena Kumari, Advocate,
for the petitioner.

Mr. Puru Jarewal, DAG, Punjab

Mr. Daksh Uppal, Advocate,
for respondents No.2 and 3.

DEEPINDER SINGH NALWA, J. (Oral)

1. In the present petition, the petitioner is praying for issuance of direction to the respondents to consider the case of the petitioner for appointment against the post of Assistant Manager/IT Systems.

2. The brief facts of the case are that the respondents issued an advertisement dated 05.05.2015 (Annexure P-1) whereby, various posts were advertised. As per the said advertisement, 18 posts of Assistant Manager/IT Systems were advertised. Out of 18 posts, 9 posts were reserved for general category and remaining posts were for reserved categories. In pursuant to the abovesaid advertisement, the petitioner applied in general category. The

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result was declared by the respondents and the name of the petitioner figured at Sr. No.10 in the merit list prepared for general category candidates. It transpires that only 9 candidates were invited for checking of documents and the petitioner was not called for the reason that his name did not figure in the merit list. The candidate, who was at Sr. No.1 in the said merit list, did not turn up for medical examination and only 8 candidates were selected and appointed on the posts in question. As the name of the petitioner was at Sr. No. 10 in the merit list, the petitioner made a representation that as a candidate, who was at Sr. No.1, did not join as such, she should be considered for appointment on the post of Assistant Manager/IT Systems, but no decision was taken by the respondents on the representation submitted by the petitioner, hence the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner submits that as a candidate, who was at Sr. No.1, did not join and the petitioner was at Sr. No.10 as such, against 9 posts advertised for general category, she should have been considered for appointment on the post of Assistant Manager/IT Systems.

4. In support of her contention, learned counsel for the petitioner relies upon a judgment of a co-ordinate Bench of this Court passed in case of **Jatinder Singh Kapur and others Versus State of Punjab and others** (CWP-21748 of 2016, decided on 26.05.2017).

5. On the other hand, in order to rebut the case of the petitioner, learned counsel for the respondents submits that in fact there is no provision of waiting list. As the petitioner's name did not figure in the select list/merit

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list as such, the petitioner is not entitled to be considered for appointment on the post of Assistant Manager/IT Systems. It is also the case of the respondent that in fact the present petition was filed after three years from the date of declaration of the result as such, on the ground of delay and laches also, the present petition is liable to be dismissed.

6. I have heard learned counsel for the parties and have perused the records available on case file.

7. It is admitted fact that the petitioner was at Sr. No. 10 in the merit list and a candidate who was at Sr. No.1 in the merit list did not join. It is also admitted that in fact there is no provision of waiting list as there was no requirement of preparation of the waiting list. The petitioner would not be entitled for appointment on an unfilled post by virtue of her being next in the merit. It is well settled law that where Rule do not envisage drawing up of waiting list, a candidate cannot be appointed as a result of not joining of selected candidates. The employer is not bound to appoint candidates in addition to the panel of the selected candidates. With regard to the reliance made by learned counsel for the petitioner on the judgment passed in ***Jatinder Singh Kapuris*** case (supra) is concerned, a perusal of the same would show that in the abovesaid case there is a reference made to the waiting list which is not in the present case. Apart from this, the petitioner in the abovesaid writ petition had filed the writ petition immediately after the declaration of the result and therefore would not be applicable to the facts and circumstances of the present case.

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8. In light of the abovesaid facts, this Court finds no merit in the present writ petition, the same is dismissed.
9. Pending application(s), if any, also stand(s) disposed of.

(DEEPINDER SINGH NALWA)
JUDGE

May 20, 2025

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No