



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

112

CWP-37611-2025

Date of decision: 22.12.2025

Parveen Rani

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Brijesh Khosla, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

NAMIT KUMAR, J.

1. The petitioner has invoked the writ jurisdiction of this Court by filing the instant petition under Article 226 of the Constitution of India, seeking a writ of certiorari for quashing of order dated 26.09.2024 (Annexure P-13), whereby the claim of the petitioner for appointment to the post of Anganwadi Worker, has been rejected and further a writ of mandamus has been sought for directing the respondents to appoint the petitioner to the post of Anganwadi Worker against one of the 23 posts advertised vide advertisement (Annexure P-14).

2. The brief facts, as have been pleaded in the petition, are that the vacancies for the post of Anganwadi Workers were available and advertised in the village through different modes and in pursuance thereto, the petitioner applied for the said post (Annexure P-5) and the same was duly accompanied by a copy of the resolution dated 13.05.2015 (Annexure P-6) and certificate issued by the Sarpanch of

the concerned village (Annexure P-7), which were submitted to respondent No.4-Child Development and Project Officer, Jalalabad, District Ferozepur, Punjab. The application of the petitioner was kept pending despite her being the most meritorious candidate and subsequently, one Swaranjeet Kaur wife of Lal Singh, was appointed as Anganwadi Worker. The petitioner, being suspicious of the said appointment, sought information under the Right to Information Act, 2005 and it was revealed that Swaranjeet Kaur had forged the signatures of the Sarpanch, fabricated the rubber stamps, and filed her application without following the due procedure and it was further transpired that her graduation certificate (Annexure P-8), was also not from a recognised university, though she was placed at Sr. No.1 in the merit list and petitioner, despite being most eligible and meritorious, was brought down to second position in the merit list (Annexure P-9A). The matter was brought to the notice of the village panchayat, whereupon the panchayat submitted a written complaint against Swaranjeet Kaur to the Deputy Commissioner, Fazilka (Annexure P-10), and since no action was taken on the said complaint, the petitioner filed ***CWP No.26832 of 2015, titled as 'Parveen Rani v. State of Punjab and Others'***, seeking quashing of the appointment of Swaranjeet Kaur and for her appointment as Anganwadi Worker. The said writ petition remained pending till 09.04.2024 and after submitting by the learned State counsel that the services of Swaranjeet Kaur had already been terminated, vide letter dated 24.01.2020, consequently, the said writ petition was disposed of vide order dated 09.04.2024 with liberty to the petitioner to claim appointment by filing a representation,

along with all requisite certificates, which shall be decided by the respondents within a period of 4 months by taking into consideration the pleas raised, and if found entitled, necessary benefits be granted to the petitioner forthwith and in the eventuality of relief being denied, a speaking order be passed after associating her therewith (Annexure P-11). Accordingly, the claim of the petitioner was considered by the respondents and has been rejected, vide order dated 26.09.2024 (Annexure P-13), impugned herein on the ground that there are no departmental instructions to appoint the next candidate in the merit list once the person at Sr. No.1 has been given appointment and she has joined the service. It has also been submitted in the impugned order that services of Swaranjeet Kaur, wife of Lal Singh, has been terminated on 24.01.2020 due to prolonged absence and non-response to the notices issued by the department.

3. Learned counsel for the petitioner submits that the respondents have filed an affidavit in ***CWP No.26832 of 2015 titled as 'Parveen Rani v. State of Punjab and others', decided on 09.04.2024 (Annexure P-11)***, wherein it was stated that the respondent-department has initiated verification of the relevant documents and, therefore, the petitioner who was placed at Sr.No.2 in the merit list, was entitled for appointment to the post of Anganwadi Worker, as the appointment of Swaranjeet Kaur *per se* was illegal.

4. On receipt of advance copy of the petition, learned State counsel has submitted that candidate at Sr.No.1 in the merit list was given appointment and in pursuance to the said appointment, she joined her duty and thereafter, since she remained absent for a considerable

period and despite issuance of various notices to her, she did not join, therefore, her services were terminated, vide order dated 24.01.2020. He has further submitted that once the said post has been consumed on the appointment and joining of the candidate at Sr. No.1, the petitioner who was placed at Sr. No.2, has no right to seek appointment.

5. I have heard learned counsel for the parties and perused the record.

6. Admittedly, in pursuance to the selection process for the post of Anganwadi Worker, Swaranjeet Kaur was selected at Sr. No.1 in the merit list and the petitioner was placed at Sr.No.2. Swaranjeet Kaur was offered appointment who joined in pursuance to the said offer of appointment and thereafter, services of Swaranjeet Kaur were terminated, vide order dated 24.01.2020 due to her prolonged absence. Once the vacancy has been consumed by joining the candidate at Sr. No.1, the candidate at Sr. No.2 does not have any vested right to seek appointment, as it is only in case the candidate at Sr.No.1 does not join on her post, the candidate next in merit gets right for appointment.

7. In the present case, the selection and appointment relates to the year 2015. The services of Swaranjeet Kaur were terminated on 24.01.2020 and it is evident that the said vacancy stood duly consumed. Thereafter, the said vacancy has been advertised afresh on 19.11.2025 (Annexure P-14). The said view is supported by a Division Bench of this Court in ***Dhirinder Chopra v. State of Haryana and others : 2014(2) SCT 725***, wherein it has been held that the candidate in the waiting list has no vested right to be appointed except to the limited extent that when a candidate selected against the existing vacancy does

not join for some reason and the waiting list is still operative. To the similar effect is the judgment in the case of ***Parminder Singh Vs. The State of Punjab and others : 2009(3) SCT 663***, wherein it has been held as under:-

“3. The waiting list is to operate if any vacancy remains unfilled during the life of the waiting list. However, in the present case, all available vacancies were filled up and consumed. One vacancy became available on account of resignation of one of the appointee. Such vacancy cannot be allowed to be filled up and has to be re-advertised in accordance with the mandate of Articles 14 and 16 of the Constitution of India and cannot be utilised for the waiting list candidates. The position in law is settled by the Hon'ble Apex Court in the case of Madan Lal and others v. State of Jammu and Kashmir and others, 1995(2) SCT 880: AIR 1995 Supreme Court 1088, and in the case of Gujarat State Dy Executive Engineers' Association v. The State of Gujarat and others, 1994(2) SLR 710, wherein it has been held as follows:

"A waiting list prepared in an examination conducted by the Commission does not furnish a source of recruitment. It is operative only for the contingency that if any of the selected candidates does not join then the person from the waiting list may be pushed up and be appointed in the vacancy so caused or if there is some extreme exigency the Government may as a matter of policy decision pick-up persons in order of merit from the waiting list. But the view taken by the High Court that since the vacancies have not been worked out properly, therefore, the candidates from the waiting list were liable to be appointed does not appear to be sound. This practice, may result in depriving those candidates who become eligible for competing for the vacancies available in future. If the waiting list in one examination was to operate as an infinite stock for appointment, there is a danger that the State Government may resort to the device of not holding an examination for years together and pick up candidates from the waiting list as and when required. The constitutional discipline requires that this Court should not permit such improper exercise of power which may result in creating a vested interest and perpetrate waiting list for the candidates of one examination at the cost of entire set of fresh candidates either from the open or even from service."

4. In view of the aforesaid legal position, the vacancy having been consumed after selection, its availability on resignation of the candidate does not create any right in

the petitioner to seek appointment from the waiting list.”

8. Even otherwise, a period of 10 years has since been elapsed, and the petitioner has neither pleaded nor placed on record any material to indicate the prescribed life or continued operability of the waiting list. A Division Bench of this Court in ***Rakesh Kumar and another v. State of Punjab and another, LPA No.1175 of 2012, decided on 21.08.2012***, has held as under:-

“The true purpose and scope of the waiting list is to consider, within its statutory life span or period fixed by way of executive instructions; appointment against a post which is offered to a selected candidate but not accepted and therefore, not consumed. A waiting list is not an endless rope to lasso a job whenever the urge arises or to display horsemanship. It has a life span curtailed by statutory rule or instruction or practice equivalent to rule.”

9. Furthermore, no statutory rules, executive instructions, or policy/guidelines governing the duration or validity of the waiting list have been brought to the notice of this Court. In the absence of any enforceable legal right, the petitioner cannot seek appointment as a matter of right, and keeping in view the above discussion, the writ petition, being devoid of merit, stands dismissed accordingly.

22.12.2025

Vinay

(NAMIT KUMAR)
JUDGE

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