



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

LPA-608-2026 (O&M)

Date of Decision:06.03.2026

BHAGWAN DASS

....APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Bhunesh Lakhera, Advocate for the appellant.
Mr. Pankaj Middha, Addl., AG, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal arises out of the judgment of the learned Single Judge dated 17.02.2025, passed in CWP No.11469 of 1999. The learned Single Judge has rejected the claim of the appellant for the grant of appointment on the basis of his merit, relying upon the judgment dated 10.11.2022 passed in CWP No.16619 of 1999. The facts have been noticed by the learned Single Judge in paragraph Nos.2 to 4 of the judgment dated 10.11.2022, which are reproduced hereinafter:-

“2. Petition was admitted for hearing on 21.09.2001.

3. It seems that by sheer effluxion of time and pendency of the writ petition for more than 22 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

4. In any case, from a perusal of record/pleadings, it appears that even on merits, claim of the petitioner is not admissible. Reference may be had in particular to the stand taken in Para 2 and 3 of preliminary objections of written statement filed on behalf of respondent No.2 and the same reads as under:-

“2. The department sent a requisition to the Haryana Staff Selection Commission for

recruitment of 22 Inspector (Audit) Cooperative Societies of different categories. The commission recommended 28 candidates (20 selected candidates and 8 in waiting list). As per the requisition, 12 Inspector (Audit) Cooperative Societies of General Category were recommended and joined except Shri Mukesh Kumar who was at serial no. 6. His selection was rejected. As he did not fulfill the requisite experience, the name of petitioner was shown at serial no. 2 in the waiting list. It is a fact the petitioner was in the selection list at serial no. 23 and second in the waiting list in general category and Shri Nem Chand, who is at serial no. 21 and first in the waiting list of general category in the recommendation list of the Haryana Staff Selection Commission. The petitioner filed a civil writ petition no. 16619 of 1999 when the selection of respondent no. 4 Shri Mukesh Kumar was rejected by the department. The Hon'ble Court admitted the writ petition.

3. That as per the Government. instructions, the claim of the waiting candidates remain alive only for six months. After expiry of six months, waiting list is automatically treated as cancelled. The petitioner time and again filed a representation, civil misc. application in the Hon'ble Court and served legal notice to the department for considering him for appointment. The representations/legal notice are examined considered and due reply was given to the petitioner. The department sought advice from different quarters. Since the name of the petitioner was at serial no.2 in the waiting list, hence petitioner has no right for appointment.”

2. The stand of the respondents taken in the written statement has not been disputed by the appellant by filing any replication. The specific case of the respondents was that although the appellant had applied for appointment, he was not selected and was placed at Serial No. 2 in the waiting list.

3. The appellant before this Court was petitioner No.2 in CWP No.11469 of 1999, whose claim for appointment to the post of Inspector (Audit) has been rejected by the learned Single Judge on 17.02.2025. In arriving at such a conclusion, the learned Single Judge relied upon the judgment of a Co-ordinate Bench in CWP No.16619 of 1999.

4. The preliminary submission advanced on behalf of the appellant is that the facts of the appellant's case were distinct from those of the petitioner in CWP No.16619 of 1999, and therefore there was a lack of proper consideration on the part of the Writ Court while dealing with the submissions raised in the petition.

5. The instant appeal is opposed by the learned State counsel.

6. We have heard the learned counsel for the respective parties and have perused the materials appended with the instant appeal.

7. It is undisputed that the appellant, along with others, applied for recruitment to the post of Inspector (Audit), Cooperative Societies, under different categories. The Haryana Staff Selection Commission (for short, '*the Commission*') had advertised 22 posts of Inspector (Audit), and the Commission recommended 28 candidates, out of which 20 candidates were shown as selected, while the remaining 8 were placed on the waiting list. In CWP No.16619 of 1999, the petitioner-Naginder Pal, was placed at Serial No.2 in the waiting list, whereas only one of the selected candidates did not join. Consequently, the writ petition was dismissed *vide* judgment dated 10.11.2022. It is this judgment that has been relied upon by the learned Single Judge to dismiss the petition filed by the present appellant, being CWP No.11469 of 1999.

8. So far as the claim of the present appellant is concerned, the Commission has filed its written statement, wherein it is categorically stated that the appellant had applied under the General Category against the advertisement in question. The last selected candidate in the General Category had secured 41.97 marks, whereas the marks secured by the present appellant were 36.54. It has therefore been stated by the respondents that since the appellant failed to secure marks above the cut-off in his respective category, he had no right to appointment. The facts stated in the written statement, disclosing that the marks secured by the appellant were below the cut-off in the respective category, have not been shown to be factually incorrect.

9. In such circumstances, the dismissal of the appellant’s claim by the learned Single Judge cannot be faulted though for the reasons enumerated hereinabove.

10. In view of the above, the instant appeal fails and is accordingly ***dismissed***.

11. All pending miscellaneous applications, if any, also stand disposed of.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

MARCH 06, 2026
Rahul Joshi

- | | |
|------------------------------|--------|
| 1. Whether Speaking/reasoned | Yes/No |
| 2. Whether Reportable | Yes/No |