



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

259

CWP-19112-2023

Date of Decision : 09.04.2026

Ekta

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. C.L. Sharma, Advocate for the petitioner.

Mr. Kanav Singla, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Article 226 of the Constitution of India, seeking issuance of a writ of mandamus, directing the respondents to consider the case of the petitioner for appointment to the post of Agriculture Development Officer as recommended by respondent No.2, vide memo dated 14.06.2023 (Annexure P-6), with all consequential benefits including seniority from the date her batchmates were appointed.

2. Briefly stated the facts of the case, as have been pleaded in the present petition, are that Punjab Public Service Commission, vide Advertisement No.09(i) dated 20.12.2016 (Annexure P-1), invited online applications for 141 posts of Agriculture Development Officer (Group-A) including 02 posts for Wards of Freedom Fighter, Punjab (Category No.74). The petitioner, who was serving as Agriculture Sub Inspector in the Department of Agriculture since 11.11.2016, being fully eligible for the said post, applied through proper channel against

**CWP-19112-2023****2**

Category No.74. The written test was conducted on 23.07.2017 and interview was conducted on 02.11.2017 and the final result was declared on 07.11.2017 and the petitioner was placed 3rd in merit list in Category No.74 (Annexure P-2). The candidate at Sr. No.2, namely Sh. Raman Kant Singla, who was working as Field Officer (Preservation) in Punjab State Cooperative Supply and Marketing Federation Limited (MARKFED) since 12.09.2011 could not join on the said post offered to him as his parent department-MARKFED did not issue 'No Objection Certificate' to him. The petitioner, who was next in merit, submitted representation to the respondents seeking appointment to the post of Agriculture Development Officer and her case was sent by respondent No.2 to respondent No.1, however, respondent No.1, vide memo dated 15.04.2019 (Annexure P-3), informed respondent No.2 that Sh. Raman Kant Singla has filed *CWP No.1420 of 2018 titled as 'Raman Kant Vs. State of Punjab and others'* before this Court and till the decision of the same, the petitioner cannot be appointed to the post of Agriculture Development Officer. Subsequently, the abovesaid petition filed by Sh. Raman Kant Singla was dismissed as not pressed, vide order dated 11.05.2023 (Annexure P-4) and immediately, thereafter, the petitioner again submitted representation dated 16.05.2023 (Annexure P-5) to respondent No.2, seeking appointment to the post of Agriculture Development Officer, being the next candidate in merit. The said representation was forwarded by respondent No.2 to respondent No.1, vide letter dated 14.06.2023 (Annexure P-6), however, the petitioner was not offered appointment. Hence the instant petition.



CWP-19112-2023

3

3. Reply, by way of an affidavit of Sh. Jaswant Singh, Director Agriculture and Farmer Welfare, Punjab, on behalf of respondents No.1 & 2, has been filed, wherein the abovesaid facts have not been disputed, however, in the said reply it has been stated as under :-

“xx xx xx xx xx

4. *That as of now, the petitioner has claimed that as the candidate placed at Sr. 240 did not join on the Post hence, her case to be considered for appointment to the Post of Agriculture Development Officer. The bare perusal of the contents of the present Writ Petition shows that the petitioner has relied upon the **Annexure P-3** whereby the representation filed by the petitioner was declined by the respondent No. 2 by recording the reason therein that as the candidate placed at Sr. No. 240 has filed the CWP No.1420 of 2018 before this Hon'ble Court hence, the till the final outcome of the said writ petition her case cannot be taken for consideration and **Annexure P-6** whereby, after the decision of the above said CWP No. 1420 of 2018 the entire position was explained to the Government i.e., competent Authority.*

5. *That also thereafter, vide memo No. 2 3196/E2(1)/2024/1685 dated 14.05.2024 in response to the memo No. 01/09/23/Agri1(2)/12520 dated 22.09.2023 the detailed report qua the operative part is as under:-*

"It is intimated that, 141 post of Agriculture Development Officers were recruited by the department in 2021 through P.P.S.C. (Punjab Public Service Commission), Patiala. Hence, due to the issuance of a new merit list for the appointment of these 141 posts by P.P.S.C., the quota based on the year 2018 merit list cannot be taken into



consideration. Therefore, the request made by Ms. Ekta for the appointment to the vacant post in the Freedom Fighter category cannot be made at this time".

6. *That thereafter, the Government of Punjab, Department of Agriculture and farmer welfare, Punjab vide memo No1/9/23/Agri. 1(2)/7603 dated 29.05.2024 (Annexure R-1) intimated the answering respondent "that the claim of the petitioner was thoroughly been examined and filed in the record". In other words the claim of the petitioner has been rejected by the Government as such petitioner has no inherent right to be considered for the appointment to the Post of Agriculture Development Officer at this Stage.*

7. *That it is further submitted that the Government has made fresh recruitment to the post of Agriculture Development Officer in the year 2021. Hence, prima facie the merit list prepared in the year 2018 has become null and void. Therefore, on the basis of such merit list no candidate can be appointed at this stage."*

4. Learned counsel for the petitioner submits that since the candidate at Sr. No.2 in the merit list of Wards of Freedom Fighter, Punjab (Category No.74) had not joined the post of Agriculture Development Officer, the petitioner being next in the merit was entitled to be offered appointment. He further submits that though, the claim of the petitioner for appointment to the abovesaid post was examined by the respondents, however, she was not issued appointment letter only by stating that the candidate at Sr. No.2 has filed *CWP No.1420 of 2018 titled as 'Raman Kant Vs. State of Punjab and others'* which is still pending before this Court. After the said petition was dismissed as not

**CWP-19112-2023****5**

pressed, vide order dated 11.05.2023, the petitioner immediately again submitted representation dated 16.05.2023 to the respondents seeking appointment being next in merit, which was recommended by respondent No.2 to respondent No.1, vide letter dated 14.06.2023, however, the petitioner has still not been offered the appointment.

5. Per contra, learned State Counsel, while referring to the averments made in the reply filed on behalf of the respondents, submits that the claim of the petitioner for appointment to the post of Agriculture Development Officer was considered and the same was filed, vide letter dated 29.05.2024 (Annexure R-1). He further submits that in the year 2021, the Government has made fresh recruitment to the post of Agriculture Development Officer, hence, the merit list prepared in the year 2018 has become null and void. Therefore, the petitioner cannot claim appointment to the said post.

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

7. Admittedly, pursuant to the Advertisement No.09(i) dated 20.12.2016, the petitioner had applied for the post of Agriculture Development Officer (Group-A) against Wards of Freedom Fighter, Punjab (Category No.74). After written test and interview, the final result was declared on 07.11.2017 and the petitioner was placed 3rd in the merit list of Category No.74. Since the candidate at Sr. No.2, namely Sh. Raman Kant Singla, had not joined the said post as his parent department-MARKFED did not issue 'No Objection Certificate' to him, the petitioner, who was next in merit, was entitled for appointment and

**CWP-19112-2023****6**

the post of Agriculture Development Officer, however, she was not given appointment as Sh. Raman Kant Singla had filed *CWP No.1420 of 2018 titled as 'Raman Kant Vs. State of Punjab and others'* before this Court seeking appointment to the post of Agriculture Development Officer. However, the said petition was dismissed as not pressed, vide order dated 11.05.2023 and immediately, thereafter, the petitioner again submitted representation dated 16.05.2023 to respondent No.2, seeking appointment, being the next in merit. The said representation was forwarded by respondent No.2 to respondent No.1, vide letter dated 14.06.2023, however, the petitioner was not offered appointment.

8. The petitioner, who was at Sr. No.3 in merit list of Wards of Freedom Fighter, Punjab (Category No.74) was entitled to be offered appointment, once the candidate at Sr. No.2 had not joined the post. The writ petition filed by the candidate at Sr. No.2, though was pending since 2018 till 11.05.2023 and dismissed being not pressed, the petitioner ought to have been offered appointment immediately thereafter, which was not offered despite submission of representation dated 16.05.2023 by the petitioner. A Division Bench of this Court in ***Ritu D/o Sh. Nafe Singh v. State of Haryana and others :2013(3) SCT 281***, while considering the similar issue has held as under:-

*“10. A somewhat similar and relevant issue came up for consideration before the Hon'ble Apex Court in **RS Mittal v. Union of India, 1995(3) SCT 284**. The matter pertained to the selection and appointment of candidates for appointment to the post of Judicial Member, Income Tax Appellate Tribunal. The duly constituted Selection Board*



had prepared a panel of selected candidates which included the name of the appellant therein, namely, RS Mittal and the recommendations were sent on 25.1.1988 to the Central Government for consideration. The Central Government, however, did not make any appointment and issued fresh advertisement on 22.2.1990 inviting applications for the same very posts. Such action was sought to be defended on behalf of the Union of India on the plea that the life of the panel was for a period of 18 months and the same stood expired in July 1989 itself. Deprecating the stand taken on behalf of the Union of India and holding that the appointment should have been offered within a reasonable time of the availability of the vacancy and thereafter to the next candidate, it was observed in the following terms:

“It is no doubt correct that a person on the select panel has no vested right to be appointed to the post for which he has been selected. He has a right to be considered for appointment. But at the same time, the appointing authority cannot ignore the select-panel or decline to make the appointment on its whims. When a person has been selected by the Selection Board and there is a vacancy which can be offered to him, keeping in view his merit position, then, ordinarily, there is no justification to ignore him for appointment. There has to be a justifiable reason to decline to appoint a person who is on the select-panel. In the present case, there has been a mere inaction on the part of the Government. No reason whatsoever, not to talk of a justifiable reason, was given as to why the appointments were not offered to the candidates expeditiously and in accordance with law. The appointment should have been offered to Mr. Murgod within a reasonable time of availability



of the vacancy and thereafter to the next candidate. The Central Government's approach in this case was wholly unjustified.”

11. *Adverting back to the facts of the present case, it was obligatory upon the Appointing Authority to have acted promptly as also within a reasonable time-frame upon a selected candidate in the original select list not having accepted the offer of appointment. Even though, there would be no quarrel as regards the proposition that mere impanelment of the name of the appellant in the waiting/panel list did not vest in her a right to be appointed, but equally it will not give the State Government a license to act arbitrarily. Nothing has been brought on record that would justify the inaction on the part of the Appointing Authority for not having cancelled the offer of appointment made in favour of Smt. Manju Rani within the stipulated time-frame and having made the offer of appointment of the post in question to the candidate next in order of merit. Suffice it to observe that we are not seized of a claim of appointment over and above the number of vacancies advertised but only as regards a claim of a duly selected candidate in relation to the original five advertised vacancies pertaining to the reserved ex-Servicemen (General) Female category. The inescapable conclusion is that had the Appointing Authority acted with a sense of promptitude, the right of the appellant would have crystalized well within the validity period of one year of the waiting/panel list with effect from the date of receipt of the recommendations i.e. 27.1.2010. Action of the Appointing Authority suffers from the vice of arbitrariness and, as such, cannot sustain.*

12. *Even otherwise, the very objective of preparing a waiting/panel list and for such list to be kept operative for a specific period is that if a vacancy arises during such*



*period for any reason, then the whole process of selection may not have to be repeated and the process of selection already having been undertaken would hold good for such period. A reference in this regard can usefully be made to the judgments of this Court in **Ajmer Singh v. State of Haryana and others**, 1997(1) CLJ (Service) 86 and **Raghubir Chand Sharma v. State of Punjab**, 1992 (1) RSJ 195.”*

9. To the same effect is the judgment passed by the learned Single Judge of this Court in “**Suman Rani vs State of Haryana and others**”, 2016(4) SCT 361, which has been upheld in **LPA No.427 of 2017 titled as “State of Haryana and another vs Suman Rani and another”, decided on 29.03.2017** and the judgment in “**Naresh Kumari vs State of Punjab and another**”, 2015(2) SCT 121, which has also been upheld by this Court in **LPA No.1436 of 2015 titled as “State of Punjab and another vs Naresh Kumari”, decided on 30.09.2015**.

10. So far as the contention raised by learned State counsel that the claim of the petitioner has been filed, vide letter dated 29.05.2024, is concerned, perusal of the same shows that the said letter has never been served upon the petitioner. In any case, the same has been issued during the pendency of the present petition.

11. Keeping in view the above facts and the law laid down by a Division Bench of this Court in **Ritu’s case (supra)**, the petitioner cannot be denied appointment to the post of Agriculture Development Officer. The action of the respondents is in violation of Articles 14 & 16 of the Constitution of India and the law laid down by a Division Bench of this Court in **Ritu’s case (Supra)**.



CWP-19112-2023

10

12. Consequently, the present writ petition is allowed and the respondents are directed to consider the case of the petitioner for appointment to the post of Agriculture Development Officer in ‘Wards of Freedom Fighter of Punjab (Category No.74)’ and grant her all the notional benefits such as seniority, pay fixation etc. with effect from the date when candidate at Sr. No.2 was offered appointment, within a period of two months from the date of receipt of certified copy of this order.

09.04.2026

Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No