

**CWP-32987-2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(222)****CWP-32987-2024****Date of Decision : March 05, 2026****Indian Council For Agricultural Research, New Delhi and others****.. Petitioners****Versus****Rimpy Sharma and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI****Present: Mr. Naresh Kumar Bansal, Advocate, for the petitioners.****Mr. Barjesh Mittal, Advocate, for respondent No.1
(joined through VC)****HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the challenge is to the order dated 26.07.2024 (Annexure P-2) passed by respondent No.2- Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal') by which, direction has been given that respondent No.1 be given appointment to the post of Technical Assistant (T-3) being at number one in the waiting list of general category candidates.

2. Learned counsel for the petitioners argues that Agricultural Scientist Recruitment Board (hereinafter referred to as 'ASRB') gave approval to the merit list on 13.08.2018 however, after said approval, the result/final select list was declared for the first time on 13.02.2019. After the declaration of the result, all the posts which had been advertised could not be filled up and three vacancies arose qua said advertised post but as the validity of the merit list sustains for a period of six months from the date approval is given by the ASRB, which period had already expired upto the

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month of February in the year 2019 therefore, the respondent No.1 could not have been given appointment which fact has been ignored by the Tribunal while giving the direction. Hence, the order dated 26.07.2024 (Annexure P-2) may kindly be set aside.

3. We have heard learned counsel for the parties and have gone through the record with their able assistance.

4. The argument which has been raised by the learned counsel for the petitioners is that from the date of approval of the select list by the ASRB which was given on 13.08.2018, the merit list can only remain valid for a period of six months so as to make appointment against the advertised vacancy.

5. In the present case, upto the date when the final result was declared after the approval of ASRB, which was in February, 2019, period of six months from the date of approval by the ASRB in August 2018 had already expired hence, in case the argument of the learned counsel for the petitioners is to be accepted, what to talk of making appointment from the waiting list, even the merit list/select list could not have been operated to make appointment as according to the petitioner same stood expired.

6. The argument which is being raised by the learned counsel for the petitioners is incorrect. The waiting list is to remain in operation from the date the merit list is declared, which merit list was declared only in February, 2019. Such waiting list is to remain in operation for a period of six months from the said date. The Tribunal has rightly concluded that in case, period of six months is to be taken into consideration from the date of declaration of the merit list, which was published in February 2019, the

claim raised by respondent No.1 qua appointment to post in question being

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first in the merit list as three posts remained vacant, is perfectly valid and legal.

7. Further, in order to sustain the argument which has been raised, either petitioners should have declared the result immediately upon the approval of the ASRB in August 2018 so that the merit list remained in operation for a period of six months from the said date whereas, in the facts and circumstances of the present case, even the result was declared after six months of the approval by ASRB i.e. in February 2019 hence, keeping in view the said fact and in order to give due meaning to the waiting list, operation of the same for a period of six months from the date merit list was declared in February 2019, as held by the Tribunal is perfectly valid and legal.

8. Further, the argument raised is that the candidate on the waiting list has no indefeasible right to claim appointment. Though, the same is correct but within the period when the select list is in operation, in case any candidate who is selected over and above the candidate falling in waiting list who does not join, the candidate falling in waiting list has a right to claim appointment unless and until there is a valid reason to deny the appointment. The said appointment claimed cannot be denied without any valid justification and in the present case, the reason so being forwarded is not valid reason to deny respondent No.1 the candidature which aspect has rightly been appreciated by the Tribunal.

9. No other argument has been raised.

10. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case



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and accordingly, the writ petition is dismissed.

11. Civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

March 05, 2026
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No