

**IN THE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH.**

CWP No.15317 of 2008
Date of decision: 29.8.2008

Devinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA
HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Vijay Sharma, Advocate, for the petitioners.

Rajan Gupta, J.

The petitioners in the present writ petition have sought a writ of mandamus to direct the respondents to consider and appoint them on the vacant post of Excise and Taxation Inspectors in Punjab.

According to averments made in the petition, 53 posts of Excise and Taxation Inspectors were advertised in the year 1999. Pursuant to the advertisement, a written test was conducted on 26th December, 1999. The petitioners appeared for the said competitive examination and were declared successful. Thereafter, interviews were held from 7th December, 2001 to 12th December, 2001. The petitioner appeared in the said interview. The entire selection process was completed by the respondent Board i.e. Subordinate Service Selection Board, Punjab and a merit/select list was also prepared. However, in the mean time Code of Conduct came into force due to Assembly Elections

in Punjab. The result of the selection was thus not declared. After the election, the dispensation in Punjab changed and the new Government imposed a general ban on direct recruitment. The Chief Secretary wrote a letter dated 10/13 May, 2002 to respondent No.2 to withdraw the requisition in respect of the above posts.

The petitioners have further averred that now an advertisement has been issued by respondent No.2 in a newspaper i.e. "The Tribune" dated 13th August, 2008 for recruitment of 160 Excise and Taxation Inspectors. However, by now the petitioners have become overage. It is also the contention of the petitioners that these 160 posts include 53 posts which were not filled up in 2002 though selection process for the same was completed.

We have heard learned counsel for the petitioners.

The learned counsel has argued that once the selection process had been completed, it was incumbent upon the Government to offer appointment to the successful candidates. He has further contended that due to the fact that appointments were not made in pursuance to the advertisement issued in the year 1999, grave injustice has been caused to the petitioners as they have become overage by now. The petitioner has also placed reliance upon a judgment of this court titled "*Rachna Vs. State of Haryana and another*", rendered in CWP No.2896 of 2005, annexed as Annexure P-8 to the writ petition.

After hearing the arguments and perusing the record, we are of the view that no case is made out in the present writ petition for

issuance of a writ of mandamus directing the respondents to appoint the petitioners on the basis of selection process completed in the year 2002 against 53 vacancies of Excise and Taxation Inspectors. It is the own case of the petitioners that the requisition in respect of these posts was withdrawn later by the government. Admittedly, no challenge to withdrawal of the said requisition was made by the petitioners in the year 2002 or even later. It is only after a lapse of more than six years since the requisition was reportedly withdrawn that the present writ petition has been preferred. The argument that injustice has been caused to the petitioners as they have become over age by now, thus has no force.

As regards the judgment relied upon by the petitioners pertaining to State of Haryana, the matter pertained to December, 2004 and writ was preferred immediately thereafter. This apart, the only question involved in the said writ petition was that the Model Code of Conduct of election had come into force on 17th December, 2004 and result was announced on 21st December, 2004. The question before the court was whether the petitioners could be denied their right to be declared successful only on the ground that result had been declared after the Model Code of Conduct had come into force. The State in that case did not dispute the stand of the petitioners and the proposition of law involved therein. The said writ petition was thus allowed.

The facts of the present case, however, do not have any similarity with those of CWP No.2896 of 2005, on which reliance has

been placed by the petitioners in the present case.

We, therefore, find no merit in the present writ petition.

The same is, therefore, dismissed.

(RAJAN GUPTA)
JUDGE

(ASHUTOSH MOHUNTA)
JUDGE

August 29, 2008
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