

(2013) 08 P&H CK 0615

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 6620 of 2013

Dr. Jaspreet Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: Aug. 20, 2013

Hon'ble Judges: Tejinder Singh Dhindsa, J

Bench: Single Bench

Advocate: G.S. Attariwala, for the Appellant;

Final Decision: Dismissed

Judgement

Tejinder Singh Dhindsa, J.

The petitioners belong to the reserved Scheduled Castes category. The Department of Health & Family Welfare, State of Punjab issued a public notice dated 26.07.2011 inviting applications for recruitment to various posts including that of Medical Officers (MBBS). It has been pleaded that the petitioners possessed the requisite qualifications and had accordingly applied for the post of Medical Officers. Even a written test was conducted in which the petitioners had participated. In the result that was declared, a cut of was applied in relation to various categories and in respect of the SC (R&O) category, the cut of was at 49.40. It is the case of the petitioners themselves that they did not secure such bench mark and accordingly, could not participate in the process of counselling that was conducted by the respondent-authorities between 03.01.2012 till 06.03.2012. Further case of the petitioner is that ostensibly for the reason that vacancies were not filled up, a subsequent public notice dated 10.03.2012 at Annexure P-5 was issued by the respondent-department whereby candidates belonging to the SC (R&O) and Vimukat Jatis were called upon to participate in another counselling process to be held on 17.03.2012 as also on 19.03.2012. Even a list of the candidates who were to participate in such subsequent counselling was uploaded on the website and the names of the petitioners figured in such list. Counsel would submit that the petitioners had duly participated in such subsequent counselling exercise held on

19.03.2012 but till date they are not aware of their fate. The instant writ petition has been filed being aggrieved of a notice issued by the Punjab Public Service Commission (undated) appended as Annexure P-7, whereby applications have been invited for recruitment to the post of Medical Officers and which includes 60 vacancies earmarked for the reserved SC (others), SC (ESM/LDESM), SC (Sports), Balmiki/Mazhbi Sikh etc.

2. Learned counsel appearing for the petitioners would vehemently argue that such 60 posts that have been advertised in the year 2012 vide public notice at Annexure P-7 relate to a backlog pertaining to the recruitment process initiated in the year 2011 in which the petitioners had participated. The argument raised is that the petitioners were eligible, had participated in the written test and were as such available. In such recruitment process pertaining to the year 2011, the first counselling exercise had been conducted, wherein the petitioners had not secured sufficient merit. However, the respondent-department had chosen to take a decision to conduct the subsequent counselling exercise on 19.03.2012 in which the petitioners had participated and as such, were vested with a right to be considered for appointment against such post that were available. Accordingly, it is submitted that there was no occasion for any backlog post relating to the SC reserved category to be filled up subsequently in the light of advertisement at Annexure P-7. Counsel would further submit that prior to the year 2011, the Punjab Public Service Commission had always made recommendations to fill up the complete quota posts and as such, the backlog of 60 posts pertaining to the SC reserved category in the notice at Annexure P-7 relates only to the recruitment process of 2011 in which the petitioners had participated.

3. The present writ petition is completely bereft of the relevant details insofar as the number of posts advertised in relation to the SC category in the previous recruitment years prior to 2011 and the precise number that were filled up. Even the details in relation to the number of advertised/reserved posts for SC in relation to the recruitment process of the year 2011 in which the petitioners had participated and the number of posts that have been filled up is also lacking. To elicit such relevant information, an order was passed on 26.03.2013 by this Court to the following effect:

Counsel for the petitioners is directed to give the details of the posts which were advertised in pursuance whereof the petitioners had participated in the selection and were called for counselling on 17.03.2012 and the number of posts which were ultimately filled up and the remaining left out posts.

The said affidavit be filed on or before 11.04.2013.

4. In spite of a number of opportunities having been availed thereafter counsel for the petitioners expresses his inability to furnish such information.

5. In the absence of the relevant material and pleadings on record pertaining to the number of posts for the SC category having been advertised and filled up in relation to various recruitment processes including the one in which the petitioners had participated, the prayer and claim raised in the instant writ petition cannot be adjudicated upon. No basis for interference is made out. The civil writ petition accordingly is dismissed.