

CWP-21099-2026

2026:PHHC:095544



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

132

CWP-21099-2026Date of Decision: **14.07.2026****DINESH YADAV**

.....Petitioner

VERSUS**STATE OF HARYANA AND ORS**

..Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Mukesh Yadav, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG Haryana.

HARPREET SINGH BRAR, J. (Oral)

1. The present Civil Writ Petition has been filed under Articles 226 and 227 of the Constitution of India seeking issuance of an appropriate writ, order, or direction in the nature of *certiorari* for quashing the impugned order dated 16.12.2025 (Annexure P-10), passed by the Chairman, Mewat Development Agency-cum-Chairman, Mewat Model Schools Society, Nuh, whereby the claim of the petitioner was not considered on the ground that the Society was no longer competent to pass any order after having been taken over by the School Education Department. A further prayer has been made for issuance of a writ in the nature of *mandamus* directing the

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CWP-21099-2026

2026:PHHC:095544



respondents to conclude the recruitment process initiated pursuant to the advertisement issued in the year 2017 and to appoint the petitioner to the post of PGT Political Science against the advertised vacancy, if otherwise found eligible and entitled in accordance with law.

2. Learned counsel for the petitioner, *inter alia*, contends that pursuant to the advertisement dated 18.06.2017 (Annexure P-1), the petitioner, being fully eligible, applied for the post of PGT Political Science, successfully qualified the written examination, and was thereafter called for interview. It is submitted that although only four candidates appeared in the interview held on 17.07.2020, the recruitment process was left inconclusive on account of the COVID-19 pandemic and was never finalized thereafter.

2.1. Learned counsel further submits that despite repeated representations made by the petitioner and even after the passing of an order by the respondents pursuant to the directions issued by this Court in CWP No.25104 of 2022, no decision was taken on the petitioner's claim, compelling him to initiate contempt proceedings by filing COCP-1712-2023. It is contended that the petitioner's claim has ultimately been rejected vide the impugned order dated 16.12.2025 (Annexure P-10) solely on the ground that the Mewat Model Schools Society had been taken over by the School Education Department and was no longer competent to pass any order. He further submits that out of the four candidates who appeared in the interview, the claim of one candidate already stands rejected, whereas

CWP-21099-2026

2026:PHHC:095544



another candidate has questioned the recruitment process by filing CWP No.7918 of 2019. Thus, only two candidates, including the present petitioner, remain eligible for consideration against the two advertised posts of PGT Political Science.

2.2. It is further submitted that the contempt petition filed by the petitioner was disposed of on 28.01.2026 (Annexure P-11), with liberty to the petitioner to avail of the appropriate remedy in accordance with law and that the impugned order is arbitrary and legally unsustainable, as the recruitment process had commenced and the interview had concluded much prior to the takeover of the Society. Learned counsel submits that the petitioner cannot be deprived of appointment on a mere technical ground arising out of an administrative reorganization. It is also contended that the controversy is further fortified by the judgment of this Court in ***CWP No.3133 of 2020*** titled as ***Harish Kumar v. State of Haryana and others***, Annexure P-9, and that, in the facts and circumstances of the case, the petitioner is entitled to consideration for appointment against the advertised post of PGT Political Science.

3. Notice of motion.

4. Mr. Naveen Singh Panwar, learned DAG, Haryana, appears and accepts notice on behalf of the respondent-State. He opposes the prayer made by learned counsel for the petitioner on the ground that the erstwhile respondent No.3-Society has since been taken over by the School Education

CWP-21099-2026

2026:PHHC:095544



Department. It is submitted that the recruitment process initiated by the Society never culminated in the issuance of appointment letters and, therefore, no vested or indefeasible right accrued in favour of the petitioner. Learned State counsel further contends that it is a settled principle of law that participation in a selection process does not confer any right to appointment. It is also submitted that appointments to public posts can be made only in accordance with the applicable statutory rules and regulations, subject to the availability of vacancies and the principle of merit.

5. Having heard the submissions advanced by learned counsel for the parties and upon perusal of the record with their able assistance, it transpires that the primary grievance of the petitioner is with regard to the rejection of his claim despite the fact that the selection process had substantially progressed and the interview had been conducted prior to the takeover of the erstwhile respondent No.3-Society by the School Education Department. However, the undisputed position is that the Mewat Model Schools Society stood taken over by the School Education Department, which is now the competent authority to regulate appointments in the schools in question. The post of PGT falls within the ambit of The Mewat District School Education (Group-B) Service Rules, 2012, and any appointment to the said post is required to be made strictly in accordance with the statutory Rules governing the field.

CWP-21099-2026

2026:PHHC:095544



6. It is a settled law that selection or inclusion in a select list confers no indefeasible right to appointment. A notification is merely an invitation to apply; the State has no legal duty to fill vacancies, subject to acting bona fide, non-arbitrarily, and respecting inter-se merit if vacancies are filled. Injury lies only where a statutory duty exists.

7. Reliance in this regard can be placed on the judgement rendered by a Three-Judge Bench of the Hon'ble Supreme Court in ***Union of India v. K.V. Vijeesh***, 1996(3) SCC 139. the following was held:

*“6. Whether a candidate whose name appears in the select list on the basis of a competitive examination acquires a right of appointment in Government service in an existing or a future vacancy. The above question has been answered by a Constitution Bench of this Court in ***Shankarsan Dash v. Union of India***, 1991(2) SCT 194 (SC) : AIR 1991 Supreme Court 1612 : (1991) 3 SCC 47, with the following words:*

*"It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied. **Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post.** Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bonafide for appropriate reasons. And if the vacancies or any of*

CWP-21099-2026

2026:PHHC:095544



them are filed up, the State is bound to respect the comparative merit of the candidates, as reflected at the recruitment test, and no discrimination can be permitted."

(Emphasis added)

8. Further reliance can be placed on the Two-Judge Bench judgement of the Hon'ble Supreme Court in ***S.S. Balu v. State of Kerala, 2009(2) SCC 439***, wherein the Court, has observed as under:

*"16. The state as an employer has a right to fill up all the posts or not to fill them up. Unless a discrimination is made in regard to the filling up of the vacancies or an arbitrariness is committed, the concerned candidate will have no legal right for obtaining a writ of or in the nature of mandamus. [See ***Batiarani Gramiya Bank v. Pallab Kumar & ors., 2003(4) SCT 321 : (2004)9 SCC 100***]*

In State of Haryana v. Subash Chander Marwaha [(1974) 3 SCC 220], this Court held : "The mere fact that a candidate's name appears in the list will not entitle him to a mandamus that he be appointed. Indeed, if the State Government while making the selection for appointment had departed from the ranking given in the list, there would have been a legitimate grievance on the ground that the State Government had departed from the rules in this respect..."

11. *It must be remembered that the petition is for a mandamus. This Court has pointed out in ***Dr Rai Shivendra Bahadur v. Governing Body of the Nalanda College*** that in order that mandamus may issue to compel an authority to do something, it must be shown that the statute imposes a legal duty on that authority and the aggrieved party has a legal right under the statute to enforce its performance. Since there is no legal duty on the State Government to appoint all the 15 persons who are in the list and the petitioners have*

CWP-21099-2026

2026:PHHC:095544



no legal right under the rules to enforce its performance the petition is clearly misconceived.”

9. The legal position on the issue is no longer *res integra*. The Hon'ble Supreme Court in ***Shankarsan Dash (supra)*** as reiterated in ***Union of India v. K.V. Vijeesh (supra)*** and ***S.S. Balu (supra)***, has categorically held that mere participation in a selection process, inclusion in a select list, or even selection does not confer an indefeasible right to appointment. A recruitment advertisement is merely an invitation to apply and, unless the relevant statutory Rules create such a right, the employer is under no legal obligation to fill all or any of the advertised vacancies. A writ of *mandamus* can be issued only when a corresponding statutory duty is cast upon the authority and a legal right exists in favour of the petitioner. In the present case, the petitioner has failed to point out any statutory provision obligating the respondents to conclude the recruitment process initiated by the erstwhile Society or to issue an appointment in his favour. Rather, it is an admitted position that the Society has since been taken over by the School Education Department and appointments to the post of PGT are now governed by the applicable statutory Service Rules.

10. The petitioner has failed to establish any mala fide, arbitrariness or discrimination on the part of the respondents. The judgments relied upon by him are distinguishable on facts and do not detract from the settled principle that participation in a selection process or appearance in an interview does not confer any vested or enforceable right to appointment. In

CWP-21099-2026

2026:PHHC:095544



the absence of any legal right in favour of the petitioner or corresponding statutory duty upon the respondents, no writ of Certiorari or Mandamus can be issued.

11. In view of the settled principles of law laid down by the Hon'ble Supreme Court in *Shankarsan Dash (supra)*, *Union of India v. K.V. Vijeesh (supra)*, and *S.S. Balu (supra)*, this Court finds no illegality or infirmity in the impugned order dated 16.12.2025 (Annexure P-10). Consequently, finding no merit in the present writ petition, the same is hereby dismissed.

12. Pending miscellaneous application(s), if any, also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

14.07.2026
parul verma

Whether speaking/reasoned. :	Yes/No
Whether Reportable. :	Yes/No