

TITLE: "ARBITRARY ACTIONS & DELAYS BY THE STATE IN RECRUITMENT CANNOT BE GROUND TO DENY RIGHTFUL APPOINTMENTS"

- 1. Introduction:** In the significant case of **Kulwant Kumar Kalsan vs. State of Haryana and Ors**, the Punjab & Haryana High Court dealt with issues surrounding arbitrary state actions and the rightful appointment of candidates. This article delves into the facts, issues, legal framework, precedents, and findings leading to the court's decision.
- 2. Facts of the Case:** Kulwant Kumar Kalsan (the petitioner) applied for a post advertised on November 24, 1992, under the Haryana Civil Services (Executive Branch). The examination results were declared on March 16, 1996. Despite being meritorious, the petitioner was not appointed, whereas other candidates with similar or lower merit were. The delay in appointments and arbitrary decisions by the state resulted in protracted litigation and injustices against the petitioner.
- 3. Issues Raised by the Applicant:**
 1. Whether the non-availability of a post can justify the denial of appointment to a candidate who was wronged by arbitrary state actions.
 2. Whether the state's delay and failure in conducting timely recruitment can be grounds for denying rightful appointments.
- 4. Laws and Acts Involved:**
 1. **Article 14** of the Constitution of India - Right to Equality.
 2. **Article 16** of the Constitution of India - Equality of opportunity in matters of public employment.
 3. Haryana Civil Services (Executive Branch) Rules.
- 5. Precedents Involved:**
 1. **Hooda Case [(1999) 3 SCC 696]** - Addressed issues of arbitrary state action and appointments.
 2. **Sandeep Singh Case [(2002) 10 SCC 549]** - Similar context of state recruitment irregularities.
- 6. Findings of the Courts:**

- **Initial Litigation:** The case initially went through various stages of litigation, where the petitioner continuously faced denials and delays.
- **High Court Judgment:** Justice Rajiv Narain Raina of the Punjab & Haryana High Court scrutinized the state's actions and previous judgments. The court found that the state's failure to conduct timely examinations and appointments was a significant cause of the petitioner's grievances.

7. Conclusions of the High Court:

1. **State's Responsibility:** The court held that the state was responsible for the delay and arbitrary actions in the recruitment process. It emphasized that timely steps such as sending requisitions, issuing advertisements, holding examinations, and completing selection processes were essential to avoid such issues.
 2. **Merit-Based Appointment:** The court concluded that denying appointment to Kulwant Kumar Kalsan, who had a higher merit than other appointed candidates, was unjust and arbitrary. The court directed that such actions should not reoccur, emphasizing adherence to rules and timely recruitment.
 3. **Non-Availability of Post:** The non-availability of a post could not be a ground for denying the appointment when the petitioner had been wronged by the state's arbitrary actions.
8. **Conclusion:** The Punjab & Haryana High Court's ruling in **Kulwant Kumar Kalsan vs. State of Haryana and Ors** is a landmark decision that underscores the principles of fairness and meritocracy in public employment. It sets a precedent that arbitrary actions and delays by the state in recruitment processes cannot be grounds to deny rightful appointments. This judgment reinforces the constitutional mandate of equality and timely administration in public employment, ensuring that meritorious candidates are not unjustly deprived of their rightful opportunities.