

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP no.707 of 2013(O&M)

Date of Decision : 31.08.2015

Narender Kumar and others

....Petitioners

Versus

Smt. Surina Rajan and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.S.K.Redhu, Advocate for the petitioners

Mr. G.S.Wasu, Addl. AG, Haryana

MAHESH GROVER, J.

Civil Writ Petition No.2377 of 2011 filed by the present petitioners was disposed of on 27.09.2012 by the writ Court in the light of judgment rendered in CWP No.23173 of 2010 titled as ***Roshan Lal and ors. Vs. State of Haryana & ors.***

It may be briefly noticed that the claim of the petitioners before the writ Court was that they had been appointed as JBT teachers pursuant to the selection process conducted in the year 2000. Other JBT teachers who were appointed in subsequent process of selection held in the year 2001 and 2004 already stood promoted to the posts of Masters/Mistress whereas such benefit of consideration has been denied to them inspite of having been appointed and

selected prior in point of time.

Accordingly on 27.09.2012 directions were issued in Roshan Lal case(supra) to consider the claim of the petitioners for promotion to the posts of Masters/Mistress in accordance with law.

The instant contempt petition has been filed asserting willful disobedience and non-compliance of the directions issued by this Court in Roshal Lal's case(supra).

Counsel for the parties have been heard.

During the course of arguments it has gone uncontroverted that in proceedings in CWP No.14018 of 2000 titled as Vijay Kumar & another Vs. State of Haryana the validity of the selection pertaining to the year 2000 batch of JBT teachers, came up for scrutiny and vide the judgment dated 08.01.2014 such selection has been held to be bad in law and directions were issued to the State in the matter to recast the select list.

It is the contention raised by Mr. Jagbir Malik, counsel for the petitioners that in LPA No.98 of 2014 as also other connected appeals, the operation of the judgment of the Learned Single Judge rendered in CWP No.14018 of 2000 has been stayed.

Be that as it may, this Court is of the considered opinion that no willful disobedience of the orders passed in Roshan Lal(supra) is made out.

Concededly, the selection in so far as the 2000 batch of JBT

teachers is concerned has been held to be bad in law by the Court. Even though the operation of such judgment may have been stayed by the LPA Bench still it cannot be construed that the judgment itself stands washed off. By virtue of the interim order the selectees of the 2000 batch would certainly gain to benefit as their services would not be dispensed with in the meanwhile as a direct consequence of the judgment rendered by the writ Court.

As of today the stand of the State Counsel in not considering the petitioners for promotion to the posts of Masters/Mistress is justified as their very selection in the year 2000 as JBT teachers has been found to be bad in law.

No case for contempt is made out. Hence, same is dismissed.

August 31, 2015
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(Mahesh Grover)
Judge