

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

CM No. 10559-CWP of 2015
CWP No. 8927 of 2002. [O&M]
Date of Decision: 27th November, 2015.

Pooja Mahajan
Versus
Petitioner through
Ms. Alka Chatrath, Advocate

State of Punjab & Ors.
Respondents through
Mr. Rajesh Bhardwaj, DAG, Punjab.

CORAM: HON'BLE MR. JUSTICE SURYA KANT

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

SURYA KANT, J. [ORAL]

The petitioner who passed her matriculation, 10+2 examination as well as 2 Year JBT Certificate Course from the State of Himachal Pradesh or its Board of School Education, applied for the post of JBT teacher in the State of Punjab. She was treated eligible and placed at Sr. No. 152 in the Selection List. The petitioner was not given appointment on the ground that the JBT Diploma passed by her from HP State Board was not recognised in the State of Punjab.

[2]. The aggrieved petitioner approached this Court and her writ petition was decided along with connected cases on 01.03.1992. The State of Punjab moved a review application and pursuant thereto, the previous order was re-called and since no one appeared on behalf of the petitioner, the writ petition was dismissed for non-prosecution but with liberty to her to seek its revival.

[3]. Thereafter, the instant application has been moved. The

State of Punjab has filed its reply which is taken on record. For the reasons mentioned in the application, the same is allowed to the extent that previous order[s] are re-called and the main case is also taken-up for final disposal afresh.

[4]. The respondents have reiterated their stand that in view of the Government instructions dated 20.04.1992 [R-1], the petitioner is not entitled to appointment in the State of Punjab.

[5]. At this stage, it would be apposite to reproduce the Government instructions which read as follows:-

In pursuance of Government Letter No.22/14/90-3edu.7/, it is decided that the JBT course of Two Years passed from Himachal Pradesh may not be given recognition in Punjab State”.

[6]. There can be therefore no second opinion that the Government of Punjab has taken a conscious decision to de-recognise the JBT diploma passed by a candidate from the State of Himachal Pradesh. No writ of *mandamus* to appoint the petitioner on the basis of the said qualification can thus be issued.

[7]. Faced with this, learned counsel for the petitioner refers to a decision of this Court in **Sukhjinder Kaur & Ors. Vs. State of Punjab & Ors., 2000[3] RSJ, 299** as well as another decision in **Jasvir Kaur Saini Vs. State of Punjab & Ors., CWP No. 911 of 1998, decided on 30.07.2001**, [A-4 and A-5], to contend that the State of Punjab was directed to constitute an Expert Committee to look into the question of eligibility of candidates like the petitioner who have done their Diploma Course from outside the State of

Punjab.

[8]. Since no decision taken by the said Committee recognising the Diploma etc. possessed by the petitioner has been placed on record, no positive inference re: petitioner's eligibility can be inferred at this stage. Suffice it would be that if there is any consciously taken written decision by the Competent Authority after 20.04.1992 [R-1], whereby the candidates passing JBT Diploma from Himachal Pradesh Board have been accepted or held eligible in the State of Punjab, the petitioner shall be at liberty to re-agitate the matter before the competent Authority along with a copy of such decision/instructions, if any. In the absence of any such decision, the petitioner shall not be entitled to appointment. If the petitioner makes a representation in the aforementioned terms, the same be considered and decided in accordance with law within a period of three months from the date of its filing, along with a certified copy of this order.

[9]. Disposed of. Dasti.

November 27, 2015.
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(SURYA KANT)
JUDGE