

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

CWP No.11844 of 2011

Date of Decision: 21.04.2015

Vandana Gupta and others

....Petitioners

Versus

State of Haryana and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. R.K. Malik, Sr. Advocate
with Ms. Rimple Soni Kadyan, Advocate
for the petitioners.

Mr. Harish Rathee, Sr. D.A.G., Haryana
for the respondent-State.

Mr. H.N. Mehtani, Advocate
for respondent No.3.

Mr. Vijay Pal, Advocate
for respondents No.4 to 8, 10, 11, 13 and 29.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing of tentative seniority list dated 24.03.2009 (Annexure P-6), whereby, the private respondents have been declared as senior to the petitioners.

Learned counsel for the petitioners submits that the impugned order is contrary to the statutory rules and the affidavit filed by the

Secretary, Haryana Public Service Commission with regard to fixation of seniority.

Learned counsel for the respondent-State submits that as per the impugned order dated 24.03.2009, objections have been invited and time was given to all the candidates, who are going to be affected by that seniority list. He further submits that the present petition is pre-mature at this stage as the objections are still pending and the same are likely to be decided before finalizing the seniority list.

Learned counsel for respondents No.4 to 8, 10, 11, 13 and 29 also submits that the present petition is pre-mature.

Without going into merits of the case at this stage and after considering the submissions made by learned counsel for the parties, the present petition is disposed of with a direction that in case, the objections have been received by the respondent-State, the same be considered in accordance with Rules as well as clarification, which has been furnished by way of an affidavit of Sh. I.C. Sangwan, Secretary, Haryana Public Service Commission, Panchkula, dated 05.11.2013

The necessary exercise be done preferably within a period of four months by considering the objections as well as the submissions and after hearing the petitioners and other persons, if required.

Meanwhile, any promotion, on the basis of earlier seniority list, would be subject to finalization of seniority list in accordance with Rule 11 of Haryana State Education (School & Inspection Cadre) (Group 'B') Service Rules, 1998.

21.04.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE