

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

CWP No.13451 of 2015
Date of decision: 15.07.2015

Paramjeet Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Madhav Pokhrel, Advocate for the petitioner.

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?

ARUN PALLI J. (Oral)

A writ in the nature of mandamus is prayed for, so as to direct the respondents to consider the candidature of the petitioner for the post of School Librarian in the category of Scheduled Castes and to select her as such, as she is fully eligible therefor. Petitioner belongs to Bazigar Sikh caste that has been recognized as Scheduled Castes by the State of Punjab. Pursuant to an advertisement issued by the Subordinate Services Selection Board Punjab on 03.11.2012, 72 posts of School Librarian were advertised. Petitioner applied for the said post in the category of Scheduled Castes (R&O) on 22.11.2012. The Subordinate Services Selection Board Punjab vide a public notice called upon the candidates possessing the qualification of +2 and two years Diploma in Library Science, for counselling/interview. However, pursuant

to an order passed by this court in CWP No.25202 of 2012, titled Ritika Sareen and others v. State of Punjab and others, even the candidates, who possessed the higher qualification such as Bachelor of Library Science or Master of Library Science, too were called for counselling/interview. The final selection list was uploaded by the Board on 07.02.2014. The Director Public Instruction (Secondary Education), vide a public notice dated 28.01.2015, called upon the candidates for scrutiny of the documents whose names were recommended by the Board. Again in March, 2015, the department afforded last opportunity to 12 candidates, vide a public notice, for scrutiny of the documents, as they had absented in the earlier counselling that was held on 04.02.2012. In the category of Ex-servicemen (SC) two posts out of three that were advertised are yet to be filled. And the letter No.1/3/98-RCI/948 dated 20.12.2001, issued by the Government of Punjab, Department of Welfare (Reservation Cell), postulates that in the direct recruitment to the Government Services the post left unfilled in the quotas reserved for Balmiki/Mazbi, Ex-servicemen (SC) and Scheduled Castes (Sportsmen) will be reserved upto 2% for the Vimukat Jatis and Bazigars. And vide yet another circular dated 25.03.2011, issued by the Department of Welfare (Reservation Cell), directions were issued to implement the provisions contained in the letter dated 20.12.2001. It is maintained that the petitioner is fully eligible for the post of

School Librarian and there still exists one post in the category of Scheduled Castes (R&O), to which the petitioner belongs and also in the category of SC (Ex-servicemen). Likewise, two posts in the category of SC (Sportsmen) are left unfilled. Therefore, in terms of the letter dated 20.12.2001 (Annexure P17), the claim of the petitioner can still be considered. So much so, prior to the institution of this petition, petitioner purports to have served upon the respondent a legal notice dated 12.03.2015 (Annexure P20). But with no tangible result.

Learned counsel for the petitioner submits that let this petition, at this stage, be disposed of only with a direction to the respondents to consider and decide the notice (Annexure P20), served by the petitioner, within a specified time.

That being so, and without expressing any opinion on merit, this petition is disposed of with a direction to the respondents to consider and decide the claim of the petitioner, as set out in his legal notice dated 12.03.2015 (Annexure P20), strictly in accordance with law, within a period of three months from the receipt of certified copy of this order. Needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

July 15 2015

Rajan

(Arun Palli)
Judge

