

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 20188 of 2015

Date of Decision: 22.09.2015

Swaranjit Kaur

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice G.S.Sandhawalia.

Present: Mr. P.S.Khurana, Advocate
for the petitioner(s).

G.S.Sandhawalia, J.

The prayer in the present writ petition is for consideration of the qualification of B.Ed. and award of the requisite number (five marks) for the qualification of B.Ed. for promotion from the post of Anganwari Worker to Supervisor in the backward class category in view of the advertisements dated 23.12.2010 and 9.7.2013 (Annexures P8 & P10), respectively.

The case of the petitioner is that in pursuance of the advertisement, she had applied against the BA category of backward class for 286 vacant seats of Supervisor. On account of litigation pertaining to the age of retirement, the matter was finalized by the Division Bench of this Court in Letters Patent Appeal No. 1779 of 2012 titled as "State of Punjab v. Raksha Chetal and Others" vide order dated

1.4.2013. A fresh advertisement was, thereafter, issued on 8/9.7.2013 wherein benefit of five marks in B.Ed. had to be given. The petitioner had applied in the format in which there was no mention of the B.Ed. qualification and tentative seniority list had been prepared wherein her seniority had been shown at 51 in the category of BA(BC). She had submitted her objections that her marks for B.Ed be counted and her name be shown correctly as Swaranjit Kaur instead of Swaran Kaur. It is further submitted that representation for necessary relief has also been submitted to respondent No.1 (Annexure P14) to that extent.

Without commenting upon the merits of the case and whether the marks for B.Ed can be given, this Court is of the opinion that the response is not required from the State and a direction can be issued to the said respondent to decide the said issue.

Accordingly, the present petition is disposed of with direction to respondent No.1 to decide the representation dated 21.1.2015 (Annexure P14) by passing a speaking order as to the entitlement of the petitioner of the B.Ed marks within a period of two months from the date of receipt of a certified copy of this order. It is made clear that the observations made are only prima facie and the said respondent shall decide the representation on merits without being influenced by any observations made above.

(G.S.Sandhawalia)
Judge

September 22, 2015
"DK"