

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

CWP No.25676 of 2013

Date of Decision: 9.10.2015

Ms. Neetu

... Petitioner

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Kapil Kakkar, Advocate,
for the petitioner.

Mr. Inqulab Nagpal, Addl.A.G., Punjab.

Mr. S.C. Patial, Advocate,
for respondent No.3.

1. To be referred to the Reporters or not? Yes.
2. Whether the judgment should be reported in the Digest? Yes.

RAJIV NARAIN RAINA, J.(Oral)

Whether the petitioner attended the counselling or not during the process of recruitment to the post of Hindi Mistress, has become a seriously disputed question of fact which cannot be resolved except on evidence led by the parties in proof of facts. The State in its reply has not admitted the hand written document (Annexure P-9) at page 33 of the paper book to be proof of attendance at the counselling merely because the photocopy has the signatures of some person who in the petition is claimed to be Mrs. Inderjit Kaur and who was authorized to mark attendance of the aspiring candidates in the fray. The counselling took place on July 7, 2011. The original of the document (Annexure P-9) is stated to be not on record of the Government file by opposite party and therefore, the photocopy can only be treated as secondary evidence after proof of loss or destruction of the original or could not be obtained by

due diligence and this is another complication which cannot be resolved in writ jurisdiction. The petition is consequently dismissed for the reason that no evidence can be permitted to be led in proceedings under Article 226 of the Constitution of India to establish the truth or otherwise of the document as proof of attendance. However, while dismissing the petition liberty is granted to the petitioner to avail her civil remedies, if any, and if the statute of limitation allows and provides no insuperable hurdle which bars the remedy and the delay does not fall within the exceptions.

Accordingly, the petition is dismissed with the aforesaid liberty to seek alternative remedy to resolve disputed questions of fact, if advised.

(RAJIV NARAIN RAINA)
JUDGE

9.10.2015
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