

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No.3416 of 2015
Date of Decision: 25.02.2015**

Nitima Rani Aggarwal

..... Petitioner

Versus

State of Punjab and another

..... Respondents

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

Present: Mrs. Gurnam Kaur Turka, Advocate,
for the petitioner.

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

RAJIV NARAIN RAINA, J.

The petitioner candidly admits that she could not appear for the first counselling held between May 26, 2014 to June 03, 2014 seeking appointment against 645 posts of DPE (Master Cadre) and 25 Lecturers of Physical Education advertised for direct recruitment but was informed by the respondents by letter dated December 05, 2014 that she could avail another chance on December 19, 2014 on which day she could appear for the second counselling at the venue mentioned in the notice, for scrutiny of original documents. It is her case that she appeared before the Scrutiny Committee on December 19, 2014 and produced her original documents in support of candidature under the Sports category, one of which documents certified that she had won the first position in Gymnastics in the All India Inter University Tournament held at Amritsar on December 09, 2001 and for which medal she had been issued a Gradation 'A' certificate. Says she meets

with the other pre-conditions for appointment which were dependent on educational qualifications for which marks are assigned in the criteria of selection. She has approached this Court feeling aggrieved by denial of consideration at the time of second counselling from where she was turned away on the ground that her Sports gradation certificate which she relied upon is not recognized by the Punjab Government. However, the fact remains that nothing has been given to her in writing rejecting her case despite a request made to the Department in writing through representation dated December 22, 2014 (P-9). The stage of the selection process is not known as to whether it is concluded or remains.

Ms. Turka submits that a single representation is enough to raise a demand for justice and looking to the nature of the claim, where time is of the essence, interference is called for so that the petitioner knows why the respondents have denied attaching weight on her sports certificate. It was expected of the respondents that the representation would be decided without delay and the petitioner informed in writing of the reasons of denial of her candidature. When this minimum guarantee against arbitrary action is not forthcoming then in the circumstances, I agree with Ms. Turka that this is an appropriate case where a direction should go to the respondents to disclose the reason as to why the petitioner's candidature has been rejected and on the strength of which instructions, policy circulars or Sports Gradation principles for her to know where she stands in the race after being left out.

Therefore, a direction is issued to the respondents to decide the representation dated December 22, 2014 (P-9) by treating the present

petition as a supplementary representation and a speaking order be passed and duly communicated to the petitioner within 3 days of the decision on the representation which is directed to be decided within 10 days from the date of receipt of a certified copy of this order. In case, the petitioner's sports testimonials are in order and she falls within the policy instructions then it would not be necessary to pass a speaking order nor would it be necessary to hear the petitioner if relief is to be granted. However, if an adverse order is to be passed then the petitioner would have a right of hearing, in which case, the time is extended by seven days to accommodate effective hearing before final decision is taken.

The petition stands disposed of with the above directions.

(RAJIV NARAIN RAINA)
JUDGE

25.02.2015
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