

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

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**Civil Writ Petition No.4134 of 2015
Date of Decision:10.03.2015**

Vironika

....petitioner

Versus

State of Punjab and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.P.P.S.Duggall, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

A writ in the nature of mandamus is prayed for, directing the respondents to consider the name of the petitioner for the post of Medical Laboratory Technician Gr.-II, in the BC category.

Vide notice dated 26.07.2011 (Annexure P1), 390 posts of Medical Laboratory Technician Gr.-II, in the SC (R & O) category, were advertised. Concededly, the petitioner applied in the said category for consideration of her candidature. She was provisionally declared eligible and asked to submit the SC certificate of her father, which she did. The petitioner submitted the said certificate i.e.dated 30.07.1998 (Annexure P7). The name of the petitioner did not figure in the list of the selected candidates (SC category) that was uploaded by the respondent-Department. Subsequently, it transpired that candidature of the petitioner was rejected as the caste certificate of her father showed that the petitioner belonged to a Backward Class category. That being so, as there were still certain vacant posts in the BC category, the petitioner purported to have appear before respondent No.2 and submitted a representation dated 27.11.2014

(Annexure P9), for consideration of her candidature in the BC category. It is maintained that the said representation was marked by respondent No.2 to the office, but the same has failed to evoke any response. Further, 16 posts in the BC category are stated to be still lying vacant. Petitioner claims that she had secured 43.6 marks on the basis of experience, written test and her academic record and in the second counselling in BC category, candidates, who had obtained 25/32/33 marks, were selected. All what the petitioner prays for, is that her representation dated 27.11.2014 (Annexure P9) be considered.

Learned counsel for the petitioner submits that, at this stage, let this petition be disposed of with a direction to respondent No.2 to consider and decide the representation made by the petitioner, within a stipulated period of time.

That being so, and, without expressing any opinion on the merits, the instant petition is disposed of with a direction to respondent No.2, to consider and decide the claim of the petitioner as set out in the representation dated 27.11.2014 (Anneuxre P9), in accordance with law, within a period of two months, from the date of 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.

The petition stands disposed of.

10.03.2015

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(ARUN PALLI)
JUDGE