

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

DATE OF DECISION: MAY 18, 2015

Parminder Kaur

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. H. C. Arora, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, praying for quashing of selection and appointment of respondent Nos.3 and 4 as Science Master/Mistress.

The contention of counsel for the petitioner is that a provisional merit list of Science Master/Mistress was prepared by the respondents in the year 2011. Counselling for the said posts was held on 08.07.2011 and intimation in that regard was given by way of publication, calling upon the candidates to participate in the same. Unfortunately, the petitioner could not come to know about the said counselling and, therefore, she submitted an application/representation dated 09.07.2011 (Annexure P-2) to the Chairman, Recruitment Committee, Education Department, Punjab, praying for allowing her to participate in the counselling as the counselling for the

other posts was still going on. However, no response to the same was received by the petitioner.

The petitioner has now come to know that Ms.Usha Rani, respondent No.3, whose name in the provisional merit list (Annexure P-3) was at Sr.No.27, and had been shown to have obtained 49.5167 marks, ultimately in the final merit list has been awarded 47.5167 marks (Annexure P-4). Counsel contends that since the name of the petitioner in the provisional merit list (Annexure P-3) was at Sr.No.30 with 48.6933 marks, she would be higher in merit than Ms.Usha Rani and, therefore, she should have been issued the appointment letter. Counsel for the petitioner has also alleged that some foul play has been played in the process of selection and in preparing the final merit list.

These contentions of counsel for the petitioner cannot be accepted. It is an admitted position that a public notice dated 09.01.2013 (Annexure P-5) was issued by the Director, Education Department (Secondary Education), Punjab, calling upon the candidates to participate in the counselling. For the posts for which the petitioner had applied, the date of counselling was 08.07.2011. She, however, did not participate in the said counselling. Lateron, she submitted a representation dated 09.07.2011 (Annexure P-2). The reason for non-participation in the counselling was that she was unwell and, thus, could not come to know about the same and accordingly prayed for an opportunity to participate in the counselling. The petitioner thereafter slept over the matter for about four years and now on one fine morning has woken up and served a legal notice dated 06.03.2015 (Annexure P-6) through counsel upon the respondents, asserting her right to participate in the counselling and thereafter for considering her claim for

appointment to the post of Science Master/Mistress.

However, the claim of the petitioner cannot be accepted as there has been an inordinate delay on her part in asserting her right/claim to the post in question. It has also not come on record as to how much marks she had obtained in the final merit list as reliance has only been placed upon the provisional merit list (Annexure P-3). That apart, had the petitioner been serious about asserting her right for appointment to the post of Science Master/Mistress, she should have pursued her representation dated 09.07.2011 (Annexure P-2) tooth and nail. However, after submission of said representation, she went in slumber and woke up only on 06.03.2015, on which date she served a legal notice, Annexure P-6, upon the respondents. Moreover, the last appointment on the posts of Science Master/Mistress were made in the year 2013 and respondent Nos.3 and 4 have been selected and appointed on the said posts and they have joined as well. So far as allegation of foul play in the process of selection and preparing merit list is concerned, except a bald assertion, no material has been placed on record to show that any process of selection has been violated or any irregularity committed during finalising the merit list.

In view of the above, finding no merit in the present writ petition, the same stands dismissed in limine.

May 18, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE