

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

[1] Letters Patent Appeal No.414 of 2015 (O&M)  
Date of Decision: May 05, 2015

The State of Punjab and another  
.....Appellants

versus

Barinder Pal and another  
.....Respondents

[2] Letters Patent Appeal No.540 of 2014 (O&M)

The State of Punjab and others  
.....Appellants

versus

Subprinder Kaur  
.....Respondent

**CORAM:** HON'BLE MR.JUSTICE SURYA KANT.  
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Aman Bahri, Additional AG, Punjab  
for the appellants.  
Mr.Vivek Sharma, Advocate, for the respondents.  
Mr.G.S.Attariwala, Advocate for the applicants.

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

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Surya Kant, J. (Oral)

This order shall dispose of LPA Nos.414 of 2015  
and 540 of 2014 as the questions of law and facts involved in  
both the appeals are common in nature.

[2] State of Punjab has preferred these letters patent  
appeals against the order dated 29.05.2013 of learned Single  
judge whereby six writ petitions have been disposed of by way  
of a common order.

[3] The writ petitioners (now private-respondents) in those cases sought a writ of mandamus for their appointment as Medical Officers (Dental) as per the merit list in final selection.

[4] The writ petitions were disposed of by learned Single Judge as having become infructuous for the reason that the learned State counsel made a statement on the basis of written instructions dated 29.05.2013 received from the Deputy Director (Dental), office of the Director Health and Family Welfare, Punjab, to the effect that appointment letters had since been issued to the writ-petitioners w.e.f. 07.09.2012.

[5] On our asking, the above mentioned letter dated 29.05.2013 of the Deputy Director (Dental), addressed to the Advocate General, Punjab, has been placed on record. The aforesaid letter categorically recites the details of appointment letters issued to each writ-petitioners. There can thus be no doubt that the State counsel rightly made the statement before learned Single Judge and the writ petitions were also correctly disposed of as having become infructuous.

[6] It is equally undeniable that the appointment letters mentioned in the letter dated 29.05.2013 were issued on provisional basis or that the writ-petitioners are working as Medical Officers (Dental) pursuant to such appointments.

[7] State of Punjab having taken a decision on its own to offer appointment to the selected candidates though on provisional basis, cannot now turned around and challenge the order of the learned Single Judge. No order adversely affecting the appellant-State has been passed by learned Single Judge.

[8] At this stage, Mr.G.S.Attariwala, learned counsel representing the applicants who has sought their impleadment as party-respondents in these appeals, submits and rightly so that these applicants have challenged the selection of writ petitioners (private-respondents herein) through a bunch of writ petitions which are still pending before a learned Single Judge and the decision of State Government to offer provisional appointment to the selected candidates ought not to affect such challenge to the selection(s). There can be no doubt that the applicants are entitled to pursue their remedy unaffected of the order passed by learned Single Judge whereby writ-petitions of selected candidates have been rendered infructuous.

[9] In this view of the matter, we dispose of these appeals as infructuous though with a clarification that any candidate aggrieved by the selection of writ-petitioners may independently pursue his/her writ petition challenging such selection, without being affected by the order dated 29.5.2013 passed by learned Single Judge or the order passed in these appeals.

[10] Ordered accordingly.

[11] Dasti.

[SURYA KANT]  
JUDGE

*May 05, 2015*  
*mohinder*

[P.B.BAJANTHRI]  
JUDGE

CM No.812 of 2015 in  
LPANo.414 of 2015.

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The State of Punjab and another vs.Barinder Pal and another

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Present : Mr.Aman Bahri, Additional AG, Punjab,  
for the applicant-appellants.  
Mr.Vivek Sharma, Advocate,  
for the respondent.

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Since we have decided the main appeal on  
merits, no separate order is required to be passed on this  
application for condonation of delay in filing the appeal.

**(SURYA KANT)**  
**JUDGE**

**May 05, 2015**  
*mohinder*

**(P.B.BAJANTHRI)**  
**JUDGE**