

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

**Civil Writ Petition No.13511 of 2013 (O&M)
Date of Decision: 29.11.2016**

Paramjit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Deepak Agnihotri, Advocate for the petitioner.

Dr. Puneet Kaur Sekhon, Additional Advocate General, Punjab
for respondent Nos.1 to 4/State.

None for respondent Nos.5 and 6 despite service.

JASWANT SINGH, J. (Oral)

The petitioner competed for selection and appointment against the post of Staff Nurse, advertised on 26.07.2011 (**Annexure P-1**). The petitioner belongs to the Sansi Caste and thus covered under the Vimukat Jati and claimed her right to appointment against the unfilled post of Staff Nurse reserved for the Scheduled Caste in the light of the Policy dated 20.12.2001 (**Annexure P-2**) and in view of her higher merit.

In the written statement filed, the claim of the petitioner was contested on the basis that the Certificate submitted by the petitioner did not prove that it related to the Vimukat Jati.

During the course of previous hearings, it was asserted that the identical Certificate furnished by other candidates, namely, Rashmi Mahla and Manpreet Kaur have been entertained and they offered appointment. It was also claimed that there was no distinction between the Certificates submitted by the petitioner and the other aforesaid candidates.

On 23.09.2016, the following order was passed:-

“

In compliance of previous order dated 15.09.2016, Mr.

Diprava Lakra, IAS, Director, Department of Welfare of Scheduled Castes and Backward Classes, Punjab is present in Court. He concedes that a mistake has been committed in the case of similarly situated candidate-Rashmi Mahla, who was not entitled to be considered to be belonging to the Vimukat Jati. He further points out that the said Rashmi Mahla stands appointed since last almost three years. He assures the Court that this mistake would not occur in future.

Faced with the aforesaid factual situation, to find a just and fair solution, the respondent-department is directed to extend the same benefit to the petitioner keeping in view the parity of treatment, however, not to be treated as a precedent in future.

At this stage, learned Counsel for the petitioner submits that the petitioner is ready and willing to forego all the monetary benefits if appointed with effect from the date her junior in merit was appointed in her category of Vimukat Jati provided notional benefits are extended.

In view of the above, learned Counsel for the respondents/State prays for time to re-consider the matter and apprise the Court accordingly.

The petitioner in the meanwhile to furnish undertaking before the Department in the above terms.

*Adjourned to **29.11.2016** for further consideration. ”*

At the time of hearing today, learned Counsel for the petitioner submits that the present writ petition has become infructuous in the light of an appointment order dated 10.11.2016 issued, whereby the petitioner stands appointed as a Staff Nurse with notional benefits extended w.e.f. 05.07.2013. Photocopy of the said order is taken on record.

In view of the aforesaid development, the present petition is disposed of as infructuous.

November 29, 2016

Gagan

**(JASWANT SINGH)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>