

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

CWP No.13174 of 2016 (O&M)

Date of decision: 29.11.2016

Lakhwinder Singh and others

..Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Ms. Gagandeep Kaur, Advocate for
Mr. Amit Chopra, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Punjab
for respondent No.1 -State.

Mr. Amit Rao, Advocate for
Mr. Anurag Goyal, Advocate
for respondent No.2.

Daya Chaudhary, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing condition No.3 of the impugned advertisement dated 09.11.2015 (Annexure P-7) whereby, it has been decided to prepare the final merit list of the candidates on the basis of the marks obtained in the Punjab State Teachers Eligibility Test without taking into consideration the marks obtained by the candidates in their educational/professional qualifications required for the post of ETT Teacher and the criteria for selection is also against the office memorandum dated 29.12.2015, which has been adopted by the Punjab Government on 28.03.2016.

Reply of State is already on record.

Learned State counsel on the basis of reply submits that the connected matter i.e., **CWP No.25030 of 2015** titled as **Mandeep Kaur and others vs. State of Punjab and another** has been dismissed by this Court on **11.12.2015**.

On perusal of judgment rendered in **Mandeep Kaur's case (supra)**, it appears that the controversy involved in the present case as well as in **Mandeep Kaur's case (supra)** is the same. The relevant portion of the judgment is reproduced as under: -

“It is settled principle that it is the State to lay down the policy and in the absence of any mala fide being pointed out that the same is being done to suit some private respondents, Clause 3 cannot be held to be arbitrary as canvassed by the counsel for the petitioner.

*Reliance has been placed upon the decision of this Court passed in **CWP No.17832 of 2014** titled as **Wazir Kaur vs. State of Punjab** decided on **26.11.2014** would not of any assistance. Perusal of the said case shows that permission was sought for the admission in diploma in elementary education, which was restricted to a age limit of 27 years. The upper age limit for applying to the job was 38 years and accordingly, this Court came to the conclusion that it should be on a rational basis and quashed*

the clause fixing the age limit for taking of admission. Thus, the said judgment has no applicability in the present case.

Resultantly, the present cases have no merit and both the writ petitions stand dismissed.”

Accordingly, the present writ petition is dismissed in view of judgment rendered in **Mandeep Kaur's case (supra)**.

29.11.2016
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	✓ Yes/No
Whether Reportable	✓ Yes/No