

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

Civil Writ Petition No.20763 of 2012

Date of decision: 3.2.2016

Sandeep Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Vikas Kuthiala, Advocate,
for the petitioner.

Mr.Inqulab Nagpal, AAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

1. This petition must succeed on the short ground that the petitioner was able to produce a fresh backward class certificate [P-11] within the extended period of receiving the application forms for the post of school teachers in the school cadre in Punjab. The original date fixed in the advertisement for submission of the application forms online was 9.10.2009. The petitioner had submitted a backward class certificate, the life of which had expired on 6.10.2009, three days before the date of receipt of applications.

2. The only question to be decided is that when the recruiting agency extended the time for receipt of applications, then the petitioner's request could have been accommodated.

3. Mr.Kuthiala has pointed out to note under the corrigendum dated 27.9.2009 [R-1/3] which is appended to an affidavit filed by the Assistant Director [Recruitment] office of the Director of Public Instructions [SE], Punjab, Mohali in response to CM No.13740 of 2015 called by this Court. The note is clear and resolves the issue. The same reads as under : -

“Note:- Those candidates, who applied before this corrigendum, can correct their application online from 16.10.2009 to 23.10.2009 up to 5.00 p.m.”

4. When the note talks of “correction”, the word is contained in a corrigendum and should be given liberal interpretation so as to include submission of backward class certificates on which the eligibility condition would rest. In any case, Mr.Kuthiala relies on a decision of this Court rendered in **Aradhana v. State of Punjab and others**; 2014 (3) SCT 434 : 2014 (3) RSJ 616 relating to the same selection process dealing the same subject matter, that is, following rejection of the candidature of the petitioner therein on the ground that the certificate belonging to BC was submitted later on. This Court held that the rejection for appointment was erroneous since a candidate lower in merit than the petitioner had been offered appointment, just as in this case. In this case, the persons lower in merit are party respondents No.2 to 5 but have remained *ex parte* by choice despite service of summons. Thus, they cannot make any complaint of an

adverse fallout of this order on them.

5. As a result, this petition is accepted. The impugned order dated 6.9.2012 [P-8] is quashed. A mandamus is issued to the respondents to appoint the petitioner to the post applied for as per merit from the date when the junior was appointed after following the formalities as to character verification, medical clearance etc. as per rules. However, the petitioner will not be entitled to any monetary benefits prior to the date of filing of the petition. Nevertheless, she would be entitled to full pay and allowances from the date of filing of the petition till appointment including notional increments and seniority determined by inter se merit position in the result of the selection.

(RAJIV NARAIN RAINA)
JUDGE

February 3, 2016

Paritosh Kumar