

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

Date of decision:15/11/2016

Gurmeet Kumar and others

.....Petitioner

VS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.HC Arora,Advocate for the petitioners

Mr.Harkesh Manuja,Addl.AG Punjab

Jaswant Singh,J(Oral)

Petitioners-five in number, pursuant to advertisement dated 23.9.2009(P-1) inviting applications for 7654 posts,including some posts of Lecturers in Math/ Computer Science/ Political Science/Punjabi and Vocational Master, applied for advertised posts as per their eligibility. They were selected and issued appointment letters (P-2/1 to P-2/5) issued between 28.4.2011 to 7.7.2011 with the condition to join within 15 days from the date of issue of appointment orders. Due to unavoidable reasons, petitioners could not join. A public notice dated 9.1.2013(P-3/1) was issued inviting candidates like petitioners, who could not join earlier within stipulated time to come forward to join duties within 15 days from the date of publication of the said notice(P-3/1). Pursuant to the said notice, in the month of January 2013 itself petitioners submitted their joining reports in the office of Director, Education Department (Secondary Education)Punjab School Education Board-respondent no.2. Since the petitioners were not given place of postings, some of the petitioners submitted joint representation dated 5.8.2013(P-5) to give them place of postings.

However, the respondents vide impugned public notice dated 19.9.2013 (P-6) withdrew the earlier public notice dated 9.1.2013(P-3/1). Hence the present petition with seeking quashing of the impugned public notice dated 19.9.2013 (P-6) and to direct respondents to issue appointment letters to petitioners as Lecturers in Math/Computer Science/Political Science/Punjabi and/or Vocational Master(Computer Science) in the respondent department.

The case of the petitioners is that in pursuance of the said advertisement (P-1), appointment letters had been issued to petitioners, who in pursuance of the public notice dated 9.1.2013 (P-3/1) had submitted joining report, but the respondent department wrongly withdrew public notice P-3/1.

Upon notice reply has been filed by Mr.Ashwani Kumar, Assistant Director(R),Director Public Instruction(SE)Punjab stating therein the public notice dated 9.1.2013 (P-3/1) was withdrawn due to issuance of advertisement dated 9.7.2012 for 5178 posts of various cadres and applicability of Right of Children to Free and Compulsory Education Act,2009. It is further stated that selection process in question was completed in the year 2011. The subsequent advertisement for 5178 posts of various cadres (teaching staff) was issued in the year 2012 whereas the petitioners filed present writ petition in the year 2014 and thus the petition is liable to be dismissed on the ground of delay and laches. It is also stated that no valuable right of petitioners has been infringed and in fact the petitioners lost their Right of Employment by not joining within stipulated time.

At the time of hearing learned State counsel states that pursuant

to public notice dated 9.1.2013 (P-3/1) not a single candidate has been permitted to join in view of position explained in the written statement. It has further been stated that a co-ordinate Bench of this Court has dismissed identical writ petition bearing CWP No.6589/2016 (**Inderpreet Singh and others v State of Punjab and others**) vide order dated 7.4.2016.

This factual position has not been disputed by the learned counsel for the petitioners.

In view of the contents of the written statement, undisputed stand taken by the learned State counsel and decision dated 7.4.2016 in CWP 6589/2016 wherein impugned public notice dated 19.9.2013(P-6) was the subject matter, in my considered opinion, no case for interference is made out.

Dismissed.

15.11.2016
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No