

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-17084-2016

Date of Decision: September 14, 2016

Jagdev Singh

...Petitioner

Versus

Chandigarh Administration and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sunny Singla, Advocate,
for the petitioner.

Mr. Mani Karan Khokhar, Advocate,
for Mr. Vikas Chatrath, Advocate,
for the respondents.

RAJIV NARAIN RAINA, J.

On 23.8.2016, this Court passed the following interim order:-

“ Inter alia submits that petitioner's application for consideration as JBT teacher against the reserved post had been objected to and reference has been made to Annexure P-7.

*It is submitted that his category has been changed from OBC to General Category. Reliance has been placed upon certificates Annexures P-4 and P-8 to submit that Swarankar/Sunar are to be treated synonymously. Reliance has also been placed upon Annexure P-9 and the notification dated 26.03.2015 (Annexure P-10) issued by the Chandigarh Administration. Reference has also been made to the judgment passed by this Court in **CWP No.20483 of 2015 'Sonia Vs. Chandigarh Administration and others' decided on 21.01.2016** (Annexure P-17). It is further submitted that representation dated 03.08.2016 (Annexure P-16) has also been made.*

Notice of motion for 30.08.2016.

Respondents be served by way of dasti process.”

This order was followed by another interim order dated 30.8.2016, which reads thus:-

“ *Mr. Dhir prays for and is granted time to file reply.*
UT Administration to show cause why the petitioner should not be given parity of treatment with Sonia, appointed in the reserve category of OBC (Swarnkar).
Mr. Dhir to obtain written instructions from the Secretary Education, UT Administration. In case, the petitioner and Sonia are not similarly situated then reason may be indicated either through an official letter addressed to the Senior Standing Counsel, UT Administration or by way of short affidavit filed in Court.
List again on 06.09.2016.
To be shown in the urgent list.”

Today, learned counsel for the respondents has filed a short affidavit of the Director, School Education, U.T. Chandigarh, which is taken on record and a copy thereof handed over to learned counsel for the petitioner. In para 4 of the affidavit, the following has been deposed:-

“4. *That keeping in view the interim orders passed by this Hon'ble Court in the petition, the case of the petitioner has been processed and it has been found that Ms. Sonia was appointed as JBT Teacher under Other Backward Class Category as she was belonging to Swarnkar caste. Furthermore, candidates who had secured 111 marks have also been issued appointment letter under OBC Category. In the UT List at Sr. No. 62, Sunar/Swarnkar/Swarnakar have been granted the status of Other Backward Class and the Petitioner has submitted OBC certificate dated 09.03.2016 with Sunar Caste. Accordingly, the proposal has been put forth to appoint Jagdev Singh-petitioner. The same would be done shortly.”*

The petitioner has succeeded and a proposal has been put forth

by the U.T. Administration to appoint him as JBT Teacher under the OBC Category of *Sunar* caste, which falls in the UT list of OBCs at Sr. No. 62, clubbed with *Swarnkar/Swarnakar*.

The averment made in para 4 of the short affidavit is taken as an undertaking to the Court and it is expected that the petitioner will be appointed on or before 30th October, 2016, after completing formalities.

Accordingly, the present petition has been rendered infructuous except to the extent that the appointment has not been made till the date of filing of the short affidavit, dated 12.09.2016, and the needful will be done before 30th October, 2016.

(RAJIV NARAIN RAINA)
JUDGE

September 14, 2016
Pkapoor

Whether Speaking/Reasoned:	YES / NO
Whether Reportable:	YES / NO