

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

CWP No.19953 of 2016

Date of Decision:-28.11.2016

Gurpreet Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Yogesh Kumar Aneja, Advocate for Petitioner.

Mz. Sudeepti Sharma, Deputy Advocate General, Punjab
assisted by Mr. Sushil Kumar, Superintendent office of
District Education Officer(Ee), Fazilka.

JASWANT SINGH, J.(ORAL)

The petitioner belongs to the SC (Ramdasia & Ors.) Category and competed for appointment against 4500 posts of ETT Teachers advertised on 09.11.2015 in the light of merit secured by the petitioner, he was issued appointment letter dated 11.09.2016 (P-2).

The grievance of the petitioner is that he has been denied joining at his allotted station pursuant to his appointment letter P-2 merely on the allegations of his involvement in a cross case registered *inter alia* under Section 307 IPC.

It is the case of the petitioner that there was a dispute over the stopping of the Govt. *Khal* in the turn/*Warabandi* for the *Nehri* water for irrigation of the adjoining fields between the two parties. The other party

attacked the family of the petitioner over that dispute and inflicted injuries which led to result of a death of one of the family members Ranga Singh, however, the other party with false allegations lodged FIR for offences punishable under Sections 307, 324, 323, 506, 148 & 149 IPC against the family of the petitioner including the petitioner. Upon investigation a cross case was registered against the complainant party for offences including the offence punishable under Section 302 IPC. It is the case of the petitioner that a special investigation team had conducted a thorough inquiry and as per the report dated 22.04.2015 (P-4) found the other complainant party to be the aggressors against whom the challan stands presented on 05.12.2014, whereas most of the family members of the petitioner including the petitioner were found innocent of the allegations against whom the challan has not been presented.

Upon notice a reply has been filed on behalf of the State. The findings of the inquiry report dated 22.04.2015 (P-4) have not been disputed, however, the denial of appointment is justified on the ground that the petitioner is yet to be discharged of the allegations.

After hearing learned Counsel for the parties and keeping in view the facts of the present case, this Court is of the opinion that petitioner cannot be denied the appointment and the consequent joining at the allotted station on account of the findings by the Police itself that the petitioner is innocent of the allegations which form part of the aforesaid FIR. It is also not disputed that no challan has been presented against the petitioner as he is stated to have been put in column no.2. Merely because said cancellation report has not been accepted till today is not sufficient to deny the petitioner benefits of his selection and appointment as ETT teacher. Nothing in the

reply or at the time of hearing is pointed out to show that the antecedents of the petitioner are such or there are any instructions or statutory provisions which justify the denial of appointment to the petitioner. It cannot be denied that in case the petitioner is summoned to face the trial and gets convicted, the respondents would be free to terminate the services of the petitioner in accordance with law.

In view of the above, present petition is allowed and the respondents are directed to enforce the appointment letter P-2 in *toto*.

(JASWANT SINGH)
JUDGE

November 28, 2016
Vinay

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