

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.25345 of 2013

Date of decision: 03.08.2016

Harpreet Kaur

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: None for the petitioner.

Mz. Sudeepti Sharma,DAG,Punjab.

Mr. Anupam Singla, Advocate for respondent No.2.

Jaswant Singh, J

By way of this writ petition, the petitioner has sought for appointment as Computer Teacher/Substitute Teacher in the light of relief having been granted by this Court in CWP No.2711 of 2009.

A perusal of paper book reveals that the aforesaid writ petition was decided by this Court vide order dated 13.5.2010 **(P.5)** *inter alia* observing that “the petitioners are entitled to be considered for appointment in the manner stipulated, if they are not otherwise disqualified” and it is clear from para 2 of the Preliminary Objections of the written statement filed on behalf of respondent No.2 that the petitioner is not qualified for the post in question in view of the Instructions dated 01.5.2006 **(R.2/1)**, which reads thus:

“That the petitioner was wrongly appointed as substitute computer teacher being her not possessing the requisite qualification as per

Annexure R.2/1, moreover the age of the petitioner at the time of joining as substitute computer teacher was 35 year, 1 month (DOB 07.06.1971 – DOJ 08.07.2006), which was beyond the permissible upper age limit prescribed by the Govt of Punjab i.e 35 years. The petitioner possessed the qualification of B.A, B.Ed and Post Graduate Diploma in the discipline of E-commerce, whereas according to instructions Annexure R-2/1, candidates having MCA/M.Tech/M.Sc (IT/CS/BE (IT/CS)/BCA/DOEACC 'A' qualification. The appointment of the substitute computer teachers were only for a period till regular/contract appointments were made by Punjab ICT Education society (PICTES). It is further submitted that w.e.f 07.11.2006 i.e with the commencement of recruitment of 3rd Phase, which was held in the months of November/December, 2006, the delegation of power made in favour of District Education Officer (SE)/Principal regarding arrangement of substitute teacher were withdrawn. The Substituted Computer Teachers were relieved on 23.12.2006 during the winter break. That from the submissions made above, it is amply clear that the appointment of the petitioner as Substitute Computer Teacher was void ab initio.”

There is no replication or contradiction to the assertions made in the Preliminary Objections reproduced hereinabove.

In view of the above factual position, the decision of this court dated 13.5.2010 in CWP No.2711 of 2009 is not helpful to the petitioner.

No merit. Dismissed.

August 03, 2016
manoj

(JASWANT SINGH)
JUDGE