

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

114

CWP No. 23717 of 2016(O&M)

Date of decision:17.11.2016

Deepak Grover

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Vishal Mittal, Advocate for the petitioner.

P.B. Bajanthri, J. (Oral)

In the present petition, the petitioner has prayed for following relief:

“ii) to issue an appropriate writ, order or direction, especially a writ of Mandamus, restraining the respondents not to treat the petitioners as fresh entrants with the change of management as they have been appointed after advertisement and selection as regular employees and have completed the probation period successfully as per CBSE Bye-Laws and have become entitled to get regular Pay Scale as per law and a writ of Mandamus may kindly be issued to treat the petitioners as regularly appointed persons and be paid regular pay scales when the State pays 70% of the expenditure and Rs.1900/- approximate per student to meet the expenditure.”

2. For seeking writ of mandamus one must have statutory right under the statutory provision/executive orders. In the present case, the petitioner is seeking for a direction to restrain the respondents not to treat the petitioner as a fresh entrants. To seek such direction he has not produced any material to show that he has right under statutory provision like rules of recruitment etc. Perusal of Annexure P-4, offer of appointment order dated 02.05.2011 it is evident that period of probation is one year and it is extendable and further there is a condition that initial appointment is subject to fulfilling the eligibility condition in qualification and experience as laid down by Punjab Government and CBSE norms. Unless the petitioner satisfy the qualification and experience as laid down by Punjab Government and CBSE norms, he has no right to seek writ of mandamus.

3. At this stage, learned counsel for the petitioner intends to withdraw the petition. He is permitted to withdraw the petition.

4. CWP stands dismissed as withdrawn.

(P.B.BAJANTHRI)
JUDGE

17.11.2016
pooja saini

Whether speaking/reasons Yes/No

Whether Reportable: Yes/No