

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

**CM-772, 7818 to 7820, 17292, 16321, 16292-CWP-2019,
CM-787-CWP-2020 in CWP-24383-2016**

Court on its own motion vs. UT Chandigarh and others

Present: Ms. Tanu Bedi, Advocate as Amicus Curiae.

Mr. Vikas Chatrath, Advocate for the applicant in
CM-772-CWP-2019.

Ms. Hema Kakkar, Advocate, for the applicant in
CM-7818 to 7820-CWP-2019.

Mr. Dilpreet Singh Gandhi, Advocate for the applicant in
CM-16321-CWP-2019.

Mr. Ajit Singh, Advocate for the applicant in
CM-787-CWP-2020.

Mr. H.S. Dhaliwal, Advocate for
Mr. P.K.S. Phoolka, Advocate for the applicant in
CM-10809-CWP-2017.

Mr. Suveer Sheokand, Addl. Advocate General, Punjab.

This petition was registered by the Court, at its own, in view of certain news items showing that some selected candidates took up the dangerous mode of agitation by climbing up on a mobile tower to show their protest regarding the fact that posts of teachers lying vacant in the State of Punjab were not being filled up despite of the fact that the selection process was over.

In view of various orders passed by this Court and facts on record, it is evident that the said issue of the dangerous manner of protest taken up by certain individuals no longer survives. It is observed that

during the course of proceedings, this Court had directed the State of Punjab to examine as to whether the grievance raised by the selected candidates would be resolved. From a perusal of the record, it is evident that pursuant to the selection process initiated by the State for filling up posts of teachers in the year 2015 and completed in the year 2016, posts have been filled up except for 595 posts, which were reserved for the Scheduled Castes category. It is informed that the said posts could not be filled up on account of the fact that the Scheduled Castes candidates were not available and therefore, information as to whether Backward Class candidates could be adjusted against the seats reserved for Scheduled Caste candidates was sought. This Court had directed the State of Punjab to examine the said claim.

The State of Punjab has filed a return and an additional affidavit stating that the claim for interchangeability of the reserved seats between the Scheduled Caste and Other Backward Class candidates has been examined and rejected.

The learned amicus curiae appearing before this Court submits that the said issue still remains to be properly addressed by the State of Punjab.

Having perused the record, it is also observed that a public interest litigation CWP-PIL-108-2019 was filed before this Court praying for issuance of a direction to the State of Punjab to fill up the aforesaid vacant posts of Scheduled Caste category, which petition has been disposed of by this Court vide order dated 15.05.2019 directing the State of Punjab to consider the representation of public interest petitioners. It is

further observed that a miscellaneous application was filed by certain OBC candidates seeking recall and modification of the direction issued by this Court on 15.05.2019 in CWP-PIL-108-2019, which has also been disposed of by this Court by order dated 30.05.2019 with a modification that the applicants would also be granted hearing by the authorities while taking a decision.

The respondents in their additional affidavit have placed order dated 02.08.2019 on record passed by the Director Education, Punjab, in compliance with the order passed by this Court in Public Interest Litigation as well as the order of modification dated 30.05.2019. From a perusal of the same, it is evident that the authorities have examined the issue and have rejected the claim of the applicants.

The learned Additional Advocate General, appearing for the State of Punjab submits that the authorities have now taken a decision to re-advertise the posts and fill up the same in accordance with law.

In view of the aforesaid facts and events that have transpired, we do not find any reason to keep the present petition pending which was initiated suo moto by this Court on account of the illegal mode of protest adopted by certain persons. More so, in view of the fact that the issue that was subsequently taken up by this Court in the present case, has already been addressed and appropriate orders have been passed in CWP-PIL-108-2019. In the circumstances, as nothing further survives for decision in the present suo moto writ petition, the same is accordingly dismissed taking the statement of the learned Additional Advocate General, Punjab on instructions from Ms. Malka Rani, Senior Assistant, DPI(Ee) on

record, that they are taking up steps for filling up the posts in accordance with law, including the steps of examining the issue of seeking dereservation, if so advised, as contained in Section 7 (2) of the Punjab Scheduled Castes and Backward Classes (Reservation in Service) Act, 2006.

In view of the aforesaid discussion, as the petition is dismissed no further orders are required to be passed by this Court in the applications filed by the applicants.

(Ravi Shanker Jha)
Chief Justice

January 17, 2020
vkd

(Lisa Gill)
Judge