

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

CWP No.25562 of 2015

Date of Decision: 20.09.2016

Surinder KaurPetitioner

Versus

State of Punjab and anotherRespondents

CWP No.27329 of 2015

Rajwant KaurPetitioner

Versus

State of Punjab and anotherRespondents

CWP No.27285 of 2015

Rajwant KaurPetitioner

Versus

State of Punjab and anotherRespondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Madhav Pokhrel, Advocate
for the petitioner.

Mr. L.S. Virk, Addl. A.G., Punjab
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

This order shall dispose of three petitions bearing ***Civil Writ
Petition Nos.25562, 27329 and 27285 of 2015*** as common question of law
and facts are involved. However, for the sake of convenience, the facts are

being derived from ***Civil Writ Petition No.25562 of 2015***.

This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to consider the candidature of the petitioner for the post of Social Studies Mistress in pursuance to the advertisement dated 07.05.2011 (Annexure P-5) and to select/appoint her as Social Studies Mistress.

Learned counsel for the petitioner submits that as per directions issued in ***CWP No.7829 of 2014*** titled as ***Sandeep Dass vs State of Punjab and others*** and other connected matters, decided on ***31.10.2014***, petitioner and other similarly situated persons were declared eligible as they applied under the reserved category. Some of the candidates who had secured 82 marks out of 150 marks filed said petition before this Court and directions were issued to declare the candidates who secured 82 marks out of 150 marks and applied under the reserved category, as qualified in the Punjab Teachers Eligibility Test Paper I and II.

Learned counsel for the respondent-State submits that the advertisement is of the year 2011 and all the posts have been filled up and now there is no vacant post. Subsequently, an advertisement has been issued and the petitioner could have applied against those vacancies. He further submits that in view of order passed in the said petition, the petitioners will be eligible for a period of seven years from the date of passing of PSTET test.

Learned counsel for the petitioner submits that because of action of the respondent-State, the petitioner could not be held eligible and subsequently, under the directions of the Court, the petitioner and other

similarly situated candidates became eligible and they have a right to be considered for the next seven years with effect from the date of passing of TET test.

In view of the submissions made by learned counsel for the parties as well as after perusal of the documents, it is apparent that as per directions issued in **CWP No.7829 of 2014** and other connected matters, the petitioner became eligible as she got 82 marks out of total 150 marks. It is because of the action of the respondent-State, the petitioner could not be considered against the post advertised in the year 2011 and other candidates, who were found to be eligible, have been selected/appointed in view of **Sandeep Dass's** case (supra).

The petitioner cannot be selected/appointed as all the posts have been filled up and subsequently, the advertisement has been issued and the petitioner has a right to apply against those vacancies, which have been advertised or likely to be advertised.

However, it is made clear that the period of seven years would be applicable from the date of declaration of result, which has been declared in the year 2015.

The petitions are disposed of with the said directions.

20.09.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes