

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

**CWP No.27152 of 2016
Date of decision: 23.12.2016**

Archana and others

..Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Vikas Singh, Advocate
for the petitioners.

Daya Chaudhary, J. (Oral)

The petitioners have approached this Court by way of filing the present writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of decision dated 05.10.2016 (Annexure P-5), whereby, the respondents have cancelled the recruitment process in pursuance of advertisement dated 20.11.2015 for the post of Lecturers Physical Education.

Learned counsel for the petitioners submits that the petitioners were not party in LPA No.1194 of 2015 and the whole process of selection has been quashed at their back.

Heard arguments of learned counsel for the petitioners and have also perused the documents available on the file including judgments of Single Bench as well as the LPA Bench.

The LPA Bench heard the LPA at length on 17.08.2016 and passed the following order :-

“The appellants as well as the private respondents are thriving upon the inefficiency of administrative authorities, who have, for lack of elementary administrative knowledge, generated totally unwarranted litigation amongst aspirants for the posts of D.P.E. If the advertisement was issued in the year 2011 with a cut-off date of 30.05.2011 and there were issues re: eligibility, warranting a fresh advertisement in the year 2014, there is nothing in law, curtailing the power of the competent authority to postpone the date of eligibility for the fresh candidates, who have acquired eligibility meanwhile.

Let such a decision be taken now and be produced before this Court failing which the Principal Secretary and the Head of the Department both shall be remain present in Court on the next date of hearing.

Adjourned to 06.10.2016.....”

In pursuance of said order, the Assistant Director, Education Recruitment Directorate has filed an affidavit and the relevant portion of the same is reproduced as under: -

“3. That in compliance of the said order, the State Government in the department of School Education, by taking into consideration the facts and circumstances of the case, has taken a decision to cancel the whole process of recruitment as was initiated by the advertisement made on 7.5.2011 and public notice issued on 24.1.2014 for filling up 645 posts of DPE's and 25 posts of lecturer in physical education and advertisement 20.11.2015 and

17.12.2015 respectively for filling up of 30 posts of Lecturer in Physical education and 800 Posts of DPE's, as these include the aforesaid earlier advertisement of 25 posts of lecturer Physical Education and 645 Posts of DPE's in the interest of fair play and justice. (A copy of the said order dated 05.10.2016 is annexed as Annexure R-1).

4. That the department has decided to fill up the Posts of lecturer in Physical and DPE's afresh, which fall vacant upto 31st March 2017 giving relaxation in age and exemption from applying fresh to candidates who had applied earlier aforesaid advertisement.”

Subsequently, on 06.10.2016, when the case came up for hearing before the LPA Bench, it was brought to the notice of the Court that the competent authority has revisited the whole issue and has decided to issue a fresh advertisement in respect of vacancies upto 31.03.2017 and while issuing fresh advertisement, relaxation in age and exemption from applying afresh to the candidates, who had already applied, shall also be granted. The appeal was disposed of in terms of the decision taken by the respondents and the order passed by the Single Bench was modified to that extent.

A bare perusal of said order shows that the decision taken by the respondents was brought to the notice of LPA Bench and order was passed, meaning thereby, the action taken by the respondents was brought to the notice of the LPA Bench and thereafter, LPA was disposed of .

Now the petitioners have approached this Court by way of filing the present writ petition to challenge indirectly the decision passed by

the LPA Bench whereas no order can be passed against the decision of LPA Bench.

Dismissed.

However, the petitioners are at liberty to avail the appropriate remedy.

23.12.2016
neetu

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

✓
Yes/No

Whether Reportable

✓
Yes/No