

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. LPA-1194-2015 (O&M)
Date of Decision: October 06, 2016

Kushaljit Singh and others
Versus
.....Appellants

The State of Punjab and others
.....Respondents

2. LPA-992-2015 (O&M)
Jagmohan Singh and others
Versus
.....Appellants

Suresh Kumar and others
.....Respondent

3. LPA-1063-2015 (O&M)
Balwinder Singh and others
Versus
.....Appellants
Suresh Kumar and others
.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

- | | | |
|----|---|---------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |
| 4. | To be referred to the Reporters or not? | Yes/No |
| 5. | Whether the judgment should be reported in the Digest? | Yes/No. |

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Present: Mr.R.K.Chopra, Sr.Advocate with
Ms.Gagandeep Kaur, Advocate
Mr.Surjit Singh Swaich, Advocate and
Ms.Neiti Gupta, Advocate
for the appellants.

Mr.Kamal Sehgal, Addl.AG. Punjab.

Ms.Arti, Advocate
for all the respondents.

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SURYA KANT, J.

The above-captioned Letters Patent Appeals were heard at length on 17.08.2016 and the following order was passed:

“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 deference thereto, the Assistant Director, Education Recruitment Directorate has filed his affidavit, paras 3 and 4 whereof are to the following effect:-

“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.”

From the above reproduced decision as well as the speaking order appended with the above, it is clear 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.

In this manner the grievance of the appellants as well as fresh aspirants both stands redressed.

The appeals are accordingly disposed of in above terms and the order under appeals are also modified to that extent.

**(SURYA KANT)
JUDGE**

October 06, 2016
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**(SUDIP AHLUWALIA)
JUDGE**