

LPA-298-2015 (O&M)

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

**1. LPA-298-2015 (O&M)
Date of Decision: August 30, 2016**

Poonam Saini

.....Appellant

Versus

State of Haryana and others

.....Respondents

2. LPA-302-2015 (O&M)

Poonam Saini

.....Appellant

Versus

State of Haryana and others

.....Respondents

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

Present: Mr.A.K.Khubbar, Advocate
for the appellants.

Mr.R.D.Sharma, DAG, Haryana
for respondent Nos.1 and 2.

Mr.Paramjit Jakhar, Advocate for
Mr.Vikas Lochab, Advocate
for respondent No.3.

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SURYA KANT, J.

[1] This order shall dispose of LPA Nos.298 of 2015 and 302 of 2015 as the question of law which arises for consideration is common in nature. For the sake of convenience, the facts are being extracted from LPA-

298 of 2015.

[2] The order dated 15.12.2014 whereby the learned Single Judge accepted the claim of respondent No.4 (Sonia Gupta) for appointment as S.S.Mistress in Hindu High School, Ladwa (respondent No.3) and rejected the appellant's claim for such appointment, is the subject matter of challenge in these intra-Court appeals.

[3] It may be mentioned here that the learned Single Judge accepted the claim of respondent No.4 (Sonia Gupta) and directed her appointment despite the Education Department's objection to the effect that interview was postponed for a day without any valid reason thereby depriving some of the eligible candidates from their right to consideration.

[4] Be that as it may, according to learned counsel for the appellant, respondent No.4 (Sonia Gupta) has not joined the post, for meanwhile she was selected in Government service. Resultantly, no S.S.Master/Mistress has been appointed. The appellant's name was statedly at serial No.1 in the waiting list. Since she has been denied appointment by the learned Single Judge who gave preference to respondent No.4 (Sonia Gupta) being at No.1 in order of merit, the instant appeals have been filed.

[5] We have heard learned counsel for the parties and gone through the record.

[6] Suffice to observe that if the selection list is valid and respondent No.4 (Sonia Gupta) is not interested to join on the post because of her selection in the Government service and if there is no other legal impediment,

the Director Secondary Education Haryana may accord permission to the Management of the School for appointment of the appellant on notional basis without any arrears etc..

[7] However, if the validity of selection list has expired or the earlier selection suffered with an incurable legal infirmity, in that case, we dispose of these appeals with a direction to the Management of the School to re-advertise the post; give an opportunity to the appellant in response thereto and consider her alongwith other eligible candidates. However, the selection process in that event be concluded within a period of four months.

[8] Disposed of accordingly.

**(SURYA KANT)
JUDGE**

August 30, 2016
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**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No