

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

(1) C.O.C.P. No.38 of 2015

Gurwinder Singh

..... Petitioner

Versus

Sh. C. Rahul, Secretary, Department of Education, Punjab and another

..... Respondents

(2) C.O.C.P. No.39 of 2015

Thomas

..... Petitioner

Versus

Sh. C. Rahul, Secretary, Department of Education, Punjab and another

..... Respondents

Date of Decision: 14.03.2017

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Davinder Singh Dadwal, Advocate for the petitioner(s).

Mr. Anant Kataria, Deputy Advocate General, Punjab
for respondent No.1.

Mr. J.S.Puri, Advocate for respondent No.2/Education Board.

JASWANT SINGH, J. (Oral)

This common order shall dispose of the aforesaid two contempt petitions as they emerge out of common facts.

The petitioners had challenged the selection and appointment to the post of Lab Attendant made by the Punjab School Education Board. The CWP No.18970 of 2012 along with a bunch of petitions were allowed vide order dated 20.02.2014 (**Annexure P-2**) passed by learned Single Bench, whereby the selection to 31 posts of Laboratory Attendants was set aside. Further directions were issued to re-conduct the selection process based on the guidelines enumerated in Para 37 of the order dated 20.02.2014 (**P-2**).

The petitioners filed the present contempt petition alleging that the needful, in terms of the order dated 20.02.2014 (P-2), has not been undertaken.

Upon notice, the respondents have filed a reply, wherein it is asserted that a number of LPAs were filed aggrieved against the order (P-2), wherein *status quo* was directed to be maintained. Thus the justification for non-compliance of the directions of the order (P-2) have been furnished.

At the time of hearing, learned Counsel for the respondent(s)/ Board submits that learned LPA Bench vide judgment dated 20.07.2016 has partly allowed the appeal filed by the Board, as also the selected and appointed candidates, whereby no fault has been found with the selection process adopted by the Selection Committee except the allotment of marks for rural areas' candidates. The appellants/selected candidates have not worked since their appointments in 2011 have been protected from any ouster on account of re-framing of the merit list by excluding the marks allotted for rural areas. Resultantly, only the *inter se* merit and thereby the seniority would get effected.

At the time of hearing, learned Counsel for the petitioners concedes that as far as the present contempt petitions are concerned, the same have become infructuous in the light of the orders passed by the LPA Bench on 20.07.2016.

Accordingly, both the present contempt petitions stand dismissed as infructuous.

March 14, 2017

Gagan

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>