

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

**CWP No.10348 of 2017 (O&M)
Date of Decision : 23.05.2017**

Pawan Kumar and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Anurag Goyal, Advocate for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

On 15.05.2017 the following order was passed :-

“The petitioners are all persons who had been selected as JBT Teachers in 2011. At that time there were large number of Guest Teachers who were working in various schools of Haryana and who had obtained interim orders against termination of their services. Consequently, at the time when the petitioners were selected their case could not be considered for posting as per their options and they perforce to join other Districts. Thereafter, this matter reached this Court and at that stage it was agreed that as and when the Guest Teachers were removed the petitioners would be considered for posting as per their original options and merit since they were willing to loose their seniority in their original cadre. During that period the State of Haryana made fresh selection of about 10,000 JBT Teachers. The merit list prepared was challenged in this Court on the ground that serious irregularities had been committed in the selection including that of impersonation. Those cases

were decided and the State of Haryana was directed to verify and check as to whether any irregularities had been committed and to take corrective action. Pursuant to that the State launched verification and checking and ultimately the list was revamped. The grievance raised in the present petition is that now while making appointments the State of Haryana is not first considering the claims of the petitioners for being transferred to the District of their choice (as per their original merit) and is proceeding to make appointments on the basis of the subsequent selection.

Ms. Shruti Jain Goyal, learned Assistant Advocate General has accepted that on principle before making appointments on the basis of the subsequent selection the claim of the petitioners for transfer to their preferred Districts should be considered. She states and rightly so that merely because appointment letters have been issued to some persons from the subsequent selection can not automatically mean that the case of the petitioners shall not be considered.

At this stage in view of the fair stand taken by the learned Assistant Advocate General, I do not deem it appropriate to issue notice of motion but only seek a clarification from her. She prays that a copy of this order be handed over to her so that necessary instructions can be taken by her.

I find this to be a fair submission. Learned counsel for the petitioners states that bunch of petitions is pending in this Court on this very issue for 26.09.2017.

Adjourned to 23.05.2017.

Copy of this order be given dasti to the learned Assistant Advocate General under the signatures of the Bench Secretary.”

Pursuant to the last order the Assistant Advocate General has informed the Court that there are various issues which have to be resolved before the final placement of the present petitioners and only thereafter transfers can be made.

Learned counsel for the petitioners has accepted this fact.

In the circumstances, the learned Assistant Advocate General states that she has instructions that the State will examine the claims of the present petitioners and persons who were selected in subsequent selection and to ensure that nobody is presented with a fait accompli any appointment or placement which is now made shall be provisional and subject to final placement which will be made in due course.

In this view of the matter the present petition is disposed of at this stage.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

23.05.2017
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No