

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

**CWP No. 21657 of 2014
Date of Decision: 06.02.2017**

Somanjeet Kaur

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Parvesh K. Saini, Advocate
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The petitioner herein applied for appointment to the post of T.G.T. (Science), pursuant to an advertisement dated 01.10.2013 (*Annexure P-1*) issued by the *Punjab School Education Department Recruitment Board for Rashtriya Madhyamik Shiksha Abhiya Authority*.

The petitioner herein submitted her online application under 'Dependent of Ex-Servicemen (B.C.) Category' and thereafter was called for counseling on 26.12.2013. Documents of the petitioner were verified by the Department and no objections regarding the eligibility of the petitioner were ever raised. Thereafter, respondent No. 2 published a list of eligible candidates of different categories to be called for interview for the posts in question. However, the name of the petitioner was not reflected in the said list nor was she called for the interview. Since the name of the petitioner was not reflected in the list of eligible candidates and her name was deleted from the reserved category of 'Dependent of Ex-Servicemen (B.C.)

Category', the petitioner preferred the instant writ petition.

Upon notice, a reply on behalf of respondents has been filed, in which, it is submitted that the Department rejected the claim of the petitioner as the lineal descendant certificate of the petitioner was not issued prior to the last date of submission of the application forms and on that ground she was not considered for appointment to the post of T.G.T. (Science).

Counsel for the petitioner contended that the lineal descendant certificate was to be considered on the date of counseling and there was no necessity of submitting the said certificate along with the application form. On the date when counseling took place i.e. 26.12.2013, the petitioner was in possession of the said certificate. However, despite furnishing the said certificate, there was no occasion for the candidature of the petitioner to be rejected.

By an order dated 17.10.2014, passed by this Court, the petitioner had been permitted to participate in the interview. On 12.01.2017, it was submitted before this Court that 02 posts were earmarked in the said category and out of that one post is still lying vacant and on that basis, counsel for the respondents-State was directed to seek instructions whether petitioner can be adjusted against the said post.

An additional affidavit on behalf of the respondents has been filed in Court today, in which, it is submitted that the claim of the petitioner has been examined and it has been found that the appointment can be given to her against the vacant post in the said category as per rules.

In view of the above additional affidavit wherein it has been

submitted that the petitioner can be given appointment against the vacant post under the said category as per rules, no further orders are called for in the present writ petition. However, let the needful be done and the appointment orders issued within a reasonable time frame.

Writ petition stands allowed, accordingly.

February 06, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No