

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

CWP-19998-2017

Date of Decision: September 05, 2017

Neeraj Kumar

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Ms. Alisha Arora, Advocate
 for the petitioner.

Mr. Avinit Avasthi, A.A.G., Punjab.

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner had applied for the post of Master (Punjabi). It has been pleaded that the petitioner had passed the B.A. Examination with 55.79% and thereafter even the B.Ed. qualification with 63.27%. Petitioner appeared in the Teacher Eligibility Test (TET) in July, 2011 and secured 95 marks out of 150. Subsequently, on account of situation where a number of mistakes had been detected in Paper-II of the TET examination, the issue was agitated and even the present petitioner filed CWP No.26364 of 2016 and the same was disposed of on 19.12.2016 (Anneuxre P-5) whereby the petitioner was granted the benefit of four additional marks.

The grievance raised in the instant petition was that by virtue of this revised TET merit position, the final merit of the petitioner in the recruitment process for the post of Punjabi Master would work out to be 192 marks. Petitioner raised a claim that he was being denied the offer of appointment inspite of the revised merit position of having secured 192 marks whereas other candidates lower in merit had been granted benefit of appointment.

The instant petition had come up for preliminary hearing yesterday i.e. on 04.09.2017 and notice of motion had been issued for today and State counsel had been directed to complete instructions.

During the course of the hearing today, Mr. Avinit Avasthi, A.A.G., Punjab upon instructions from Sh. Sarabjeet Singh, L.A., DPI (Sec), has apprised the Court that a public notice dated 01.09.2017 has been issued by the Assistant Director Public Instructions (Secondary Education) vide which the offer of appointment by taking the merit of the petitioner as 192 marks, would be issued during the course of the day.

In the light of such categoric stand taken on behalf of the State, the grievance of the petitioner stands redressed and the petition has been rendered infructuous.

At this stage, counsel would submit that candidates lower in merit, have already been issued offers of appointment from a prior date. If that be so, it would be open for the petitioner to raise a claim seeking appointment as Punjabi Master with effect from the date any candidate possessing a lower merit has been, so appointed.

In the eventuality of any such claim being raised, the respondent/competent authority would be obligated to take a final decision thereupon expeditiously and in accordance with law.

September 05, 2017*ps-I***(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No