

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

CWP No.20913 of 2017 (O&M)

Date of decision: 14.09.2017

Gurpreet Kaur

... Petitioner

Vs.

State of Punjab & others

... Respondents

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

Present: Mr. Harkaran Singh, Advocate for
Mr. B.S. Bhalla, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

Petitioner impugns the order dated 06.05.2016 (Annexure P-4) passed by the Director, Education Department, State of Punjab and in terms of which the claim of the petitioner to permit her to join on the post of Maths Mistress has been declined.

Counsel for the petitioner has been heard at length.

Perusal of the impugned order would reveal that the petitioner, who belongs to the Backward Class category was selected as a Rural Assistant Teacher (Maths) in pursuance to a selection process that had been initiated in the year 2012. Vide public notice dated 20.11.2014, the selected candidates for the subjects of Science and Maths were called for counselling on 25.11.2014. Candidates, who had attended the counselling were issued appointment letters and allotted stations and called upon to join within a period of 30 days from the issuance of appointment letters.

It is the pleaded case of the petitioner herself that she did not

attend the process of counselling on 25.11.2014.

The reason cited by counsel is that the petitioner was pregnant and had been advised bed rest. Petitioner gave birth to a male child on 16.05.2015.

The competent authority while passing the impugned order has examined the documents relied upon by the petitioner as regards her medical condition and by a detailed reasoning, has not found the same to be sufficient and satisfactory as regards not having staked her claim for appointment immediately after 25.11.2014 i.e. the date fixed for counselling and in which the petitioner had not appeared. The competent authority has also expressed doubt as regards the authenticity of the documents produced by the petitioner towards her medical condition by observing that at the time of personal hearing, she could not produce any clinical test, ultrasound report etc. as cited by the counsel. Petitioner, at that stage, took a stand that such relevant documents have been misplaced.

Another relevant factor that had weighed with the competent authority while passing the impugned order is that in the interregnum and on account of the petitioner having not participated in the counselling process on 25.11.2014, candidates lower in merit were offered appointments and such offer has been accepted.

The impugned order dated 06.05.2016 (Annexure P-4) has been passed by adopting valid and cogent reasoning. There would be no occasion for this Court in exercise of its writ jurisdiction to take a different view in the matter.

Even upon a query having been put to the counsel by the Court during the course of arguments as regards any post of Rural Assistant

Teacher (Maths) in the category of Backward Class still lying vacant, response has been in the negative.

For the reasons recorded above, there is no merit in the petition and the same is dismissed.

14.09.2017
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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