

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No. 24699 OF 2017  
DECIDED ON: NOVEMBER 01, 2017

SANGITA RANI

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sunny Singla, Advocate  
for the petitioner.

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JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondent to consider the case of the petitioner for promotion as Mistress in the subject she has applied and to grant promotion with effect from the persons juniors or similarly situated has been promoted and to grant all consequential benefits including the monetary benefits with 12% interest per annum.

2. The contention of learned counsel for the petitioner is that the case of the petitioner for promotion as Mistress was rejected on the ground that her annual result for the past five years have fallen below 50% but the instructions, which were earlier issued vide Memo No.15/46/2004-2Edu 2/12766, dated 09.06.2005 have already been withdrawn by the Department of Education vide

letter dated 21.08.2009, Memo No.1/553/09-5Edu2/5448. While withdrawing the aforesaid instructions of 2005, it was also clearly observed that the cases of all employees, who have been ignored for promotion earlier on this account should be reviewed.

3. Learned counsel for the petitioner further contends that subsequent thereto, the petitioner served legal notice dated 02.12.2014 (Annexure P-5) to the respondents but despite the fact that period of more than two years has already expired, no conscious decision has been taken so far.

4. Instant petition is disposed of with a direction to the respondent(s) to look into the grievances unfolded by the petitioner in her legal notice dated 02.12.2014 (Annexure P-5) and to decide the same within a period of three months from the date of receipt of certified copy of this order. The factum of grant of interest shall also be considered in the light of observations made by Full Bench of this Court in case titled as ***“A.S. Randhawa v. State of Punjab, 1997 (3) SCT, 468.***

5. However, if the petitioner still feels aggrieved against the order passed by the concerned authority, she shall be at liberty to approach this Court.

NOVEMBER 01, 2017  
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(JASPAL SINGH)  
JUDGE

***Whether speaking/reasoned***      ***Yes***

***Whether reportable***                      ***Yes/No***