

**Sr. No.115
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.25313 of 2017 (O&M)

Date of Decision:07.11.2017

Shivraj Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

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

Present:- Ms. Aruna Sachdeva, Advocate,
for the petitioners.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioners herein are stated to be belonging to either the BC or SC Category and had applied for the post of Punjabi or Social Studies Masters/Mistress in pursuance to the advertisement dated 20.11.2015 (Annexure P-1).

Grievance raised in the petition is that certain candidates who were earlier treated as ineligible have been declared eligible subsequently and are now being considered for appointment. It is further contended that a number of posts are still lying vacant in the subject of Social Studies and Punjabi on account of the fact that a number of candidates had applied for more than one subject and have been offered appointment to the post in question in more than one subject and which is not permissible. It is submitted that in case the recruitment agency of the respondent Education Department takes necessary corrective and remedial measures, the petitioners are bound to fall within the zone of consideration and appointment.

Having heard counsel for the petitioner at length and having

would warrant interference.

The petition is bereft of the necessary details and particulars on the basis of which this Court may infer that in case certain candidates who may have been offered the post for more than one subject and such appointment is confined only against one subject, the petitioners would then fall within the zone of consideration and appointment. There are no details forthcoming even with regard to the candidates who were earlier declared ineligible and subsequently have been treated as eligible. Such issue also cannot be gone into as such candidates have not even been impleaded as party respondents.

The entire writ petition proceeds on the general premise that if certain remedial steps are taken by the respondent-department as regards the final select list the petitioners may be appointed as Masters/Mistress in the subject of Social Studies and Punjabi.

For a writ of mandamus to issue, it was imperative for the petitioners to have established a right in law and based upon concrete facts as regards their merit position as opposed to the other candidates. Pleading to such effect are lacking.

On a pointed query having been put, it has been conceded by the counsel that no other candidate falling in the category to which the petitioners belongs and who is lower in merit has been offered appointment.

No basis for interference is made out.

Writ petition is dismissed.

07.11.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No