

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

CWP No.9190 of 2013 (O&M)

Reserved on: 28.07.2017

Date of Decision: 29.09.2017

Raminder Kaur

....Petitioner

vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Dinesh Nagar, Advocate
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.

Petitioner had applied for the post of Lecturer in Biology against the category of dependent of Ex-servicemen in response to advertisement dated 23.09.2009, issued by the Punjab State Education Department. Closing date for submission of application forms was 09.10.2009.

Challenge in the instant petition is to the order dated 14.02.2013 (Annexure P-10), passed by the Director of Public Instructions (Secondary Education) Punjab, whereby, claim of the petitioner for appointment to the post in question against reserved category or dependent of Ex-servicemen, has been rejected. Rejection of the claim of the petitioner is on the basis that she had

produced the Lineal Descendant Certificate, issued in her favour by the Competent Authority on 11.11.2009, whereas, the closing date as per advertisement was 09.10.2009. Such certificate has not been found to be in conformity to the terms and conditions of the advertisement. Consequentially, claim of the petitioner was considered in the Open Category for the post of Biology Lecturer. The last selected candidate in the Open Category for the post in question, is stated to have secured 65.5874 marks, whereas, merit of the petitioner stand determined at 60.65 marks. Petitioner as such, has not fallen within the zone of consideration for appointment in the Open Category.

Learned counsel appearing for the petitioner would vehemently argue that furnishing of valid certificate claiming benefit of reservation after the due date/cut off date, stipulated in the advertisement, would be within the domain of procedure. It is urged that procedural provisions are always open to be relaxed and every infraction of a condition relating to submission of proof need not necessarily result in rejection of the candidature.

That apart, a plea of discrimination has also been raised by contending that in the case of Mamta Rani and Jaswinder Singh, the respondent-authorities have issued them appointment letters on the post of Punjabi Mistress/Master in respect of their having furnished certificates claiming reservation under the dependent of Ex-servicemen Category/Backward Class Category and which were also not as per terms and conditions of the advertisement.

Counsel for the parties have been heard.

Identical issue arising from the same very recruitment process initiated in the light of advertisement dated 23.09.2009, issued by the Education Department, stands dealt with by a Co-ordinate Bench in **CWP No.5560 of 2011(Jaspal Kaur and others vs. State of Punjab and others)** and other connected petitions decided on 02.11.2011. In this bunch of petitions, the petitioners had applied for different teaching posts for appointment in the Education Department, State of Punjab, in one or the other reserved categories, but, their categories were subsequently changed by the respondent-department after rejecting their Backward/Dependent of Ex-servicemen Certificates and thereby treating them to be in the open category. The factual premise was that the certificates of Backward Class or as Dependent of Ex-servicemen relied upon by the petitioners therein, were more than one year old in the case of Backward Class candidates and or the certificates claiming reservation as dependents of Ex-servicemen had been issued after the last date of submission of application forms i.e. 09.10.2009. Writ petitions were dismissed by the Co-ordinate Bench and the action of the respondent-department in having denied to the petitioners therein the benefit of reservation was upheld.

The view taken by the Co-ordinate Bench in Jaspal Kaur's case (supra) would apply to the present petitioner as well as she had also applied in response to the same very recruitment process and was as such bound by the terms and conditions contained in the same

very advertisement dated 23.09.2009. No infirmity as such, is found in the impugned order dated 14.02.2013 (Annexure P-10)

Even the plea as regards discrimination raised by counsel, does not survive. The respondent-authorities on account of a subsequent development, have cancelled the appointment letters in favour of Mamta Rani and Jaswinder Singh and such action has been upheld by this Court in the light of judgment carrying even date i.e. 29.09.2017 in **CWP No.12800 of 2014 (Mamta Rani vs. State of Punjab and others)** and **CWP No.15547 of 2014 (Jaswinder Singh vs. State of Punjab and another)**.

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

(TEJINDER SINGH DHINDSA)
JUDGE

29.09.2017
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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**