

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

Date of decision:09.02.2017

Kewal Singh and another

.....Petitioners

vs

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Madhav Pokhrel,Advocate for the petitioners

Mz.Sudeepti Sharma,DAG Punjab for respondents.

Jaswant Singh,J(Oral)

Petitioners who possessed the qualification of B.P.E./B.P.Ed., in response to advertisement dated 25.10.2006(P-1) applied for the post of PTIs. Their candidature was not considered as the qualification possessed by them was higher than the prescribed C.P.Ed. Similarly situated candidates whose candidature was not considered on the same ground filed writ petitions in this Court alleging illegal and arbitrary decision on the part of respondents. A Full Bench of this Court in CWP 451/2008 (Manjit Singh v State of Punjab and another) decided on 5.2.2010 held candidates like petitioners, who possessed higher qualification, eligible for consideration against the advertised posts. In compliance with decision dated 5.2.2010 of the Full Bench, respondents conducted counselling of all the candidates possessing higher qualification and prepared a revised merit list in April 2012 vis-a-vis already selected candidates possessing C.P.Ed qualification. However, in the said revised merit list persons lower in merit were placed higher and petitioners were issued appointment orders only on 29.8.2012. Thus they were made junior to the persons who were lower in

merit than petitioners. Accordingly, relief of notional benefit of pay fixation to petitioners by giving benefit of annual increments was sought so as to bring them at par with their juniors. Reliance was placed on decisions of this Court in CWP 5779/2014 decided on 9.9.2015 (Azad Parvinder Singh v State of Punjab and others); and CWP10859/2007 decided on 4.8.2008 (Karamjit Singh v State of Punjab and others) wherein similar relief was granted to petitioners in aforesaid two writ petitions.

At the time of hearing, learned counsel for the petitioners, on instructions states that the present writ petition has become infructuous.

Dismissed as having become infructuous.

09.02.2017
joshi

(Jaswant Singh)
Judge

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