

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

CWP No. 3056 of 2017 (O&M)

Date of decision: 22.05.2017

Mamta

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sukhdev Kamboj, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. A.G., Punjab.

JAISHREE THAKUR, J. (ORAL)

CM-7665-CWP-2017

The instant application has been preferred for modification of the order dated 17.02.2017, wherein, while issuing notice of motion, the main case was ordered to be heard with CWP No. 3865 of 2016 instead of CWP No. 6835 of 2016.

For the reasons mentioned in the application, the same is allowed. Let the necessary correction be made.

On the oral request of counsel for the applicant-petitioner, the main case is taken up today for its disposal.

CWP-3056-2017

The instant writ petition was filed by a candidate, who had appeared in a selection process initiated for recruitment to the post of Hindi Mistress and has been issued letter of appointment but has not been allowed to join.

The petitioner, belonging to a Backward Class category from the State of Rajasthan, had got married to a person of Backward Class category of

Punjab and had also settled down in the State of Punjab. It was contended that the petitioner would be entitled to the same benefit of reservation as had been given to her in the State of Rajasthan.

I have heard learned counsel for the parties.

This Court has already gone into the issue in ***CWP No. 6835 of 2016*** titled as ***Gurminder Kaur vs. Director, Education Recruitment Directorate-cum-Director General of School Education, Punjab & others***, decided on 31.03.2017, as relied upon by learned counsel for the petitioner. This Court while noting that it is the policy of the State not to give benefit of reservation to those candidates, who were not from the State of Punjab, has disposed of ***CWP No. 6835 of 2016*** and other connected matters by giving a direction to the State of Punjab to reconsider the policy in the light of the observations made in the judgment rendered in ***CWP No. 6835 of 2016*** and in para No. 21 of the judgment rendered in the case of ***Marri Chandra Shekhar Rao vs. The Dean, Seth G.S. Medical College and Others, (1990) 3 SCC 130***. It has also been directed that a decision be taken therein within a period of four months.

In view of above, the respondents-State is directed to consider the instant matter in the light of the observations and directions given in ***CWP No. 6835 of 2016*** and in case it is held that the candidates, seeking benefit of reservation, are entitled to it, the same benefit be extended to the petitioner herein who has already been issued a letter of appointment.

Writ petition stands disposed of.

May 22, 2017

Ansari

**(JAISHREE THAKUR)
JUDGE**