

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 11533 of 2009(O&M)
Date of decision : 17.12.2018

Sukhvinder Kaur Saroya
Versus
State of Punjab and other

.....Petitioner

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Harinder Sharma, Advocate
for the petitioner.

Mr. G.S. Bal, Senior Advocate with
Ms. Gursimran Kaur, Advocate
for respondents No.2 and 3.

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARUN MONGA, J(ORAL)

The present writ petition has been filed *inter alia* seeking issuance of writ in the nature of certiorari to set aside impugned notification dated 09.03.2009 (Annexure P-7) whereby the regulation for appointment to the post of Secretary and Controller of Examinations was amended by Punjab School Education Board-respondent No.2. A further prayer has been made for issuance of writ in the nature of certiorari to quash a circular (Annexure P-11) vide which applications were invited for filling up of post of Secretary and Controller of Examinations based on the impugned notification Annexure P-7.

2. During the pendency of the writ petition certain other writ petitions bearing CWP No.5113 of 2012 followed by CWP No.18899 of 2012 as also COCP No.1856 of 2013 and COCP No.140 of 2014 have also been filed. All these matters have common genesis having been filed by the

petitioner qua her different grievances raised from time to time against Punjab School Education Board. The matter was heard at some length and it was deemed necessary to take up these writ petitions one by one.

3. Qua the instant writ petition, learned Senior counsel for the School Education Board points out that during its pendency, the impugned notification Annexure P-7 was withdrawn by the Punjab School Education Board. The claim for relief in respect of quashing the same does not, therefore, survive. He contends that even the claim for consequential relief of quashing circular Annexure P-11, vide which the applications for filling up of the post of Secretary and Controller of Examinations were invited, also does not survive, in view of the fact that fresh selection process was carried out as per the old unamended regulations.

4. Further relief in this writ petition has been sought for issuance of writ of mandamus to direct School Education Board to consider and appoint the petitioner on the post of Secretary and Controller of Examination in accordance with unamended regulation. Learned Senior counsel for the Board points out that even the claim to the said relief does not survive, as indeed, the petitioner was selected and appointed as Secretary and Controller of Examinations. Her selection process was carried out as per unamended regulations. Learned counsel for petitioner does not dispute this position

5. In the circumstances, I am of the view that none of the issues raised in the present writ survive adjudication. Accordingly, the present petition is disposed of as infructuous. It is, however, made clear that nothing stated in this order shall be construed as expression of opinion on the merits

of the issues raised in this petition or the subsequent writ petitions/COCs. Pending CMs in the present writ petition are also disposed of as infructuous.

For the purpose of expediency, Registry is directed to ensure that photocopy of order sheet of the entire present proceedings is kept in the connected matters, if not already on record. Learned counsels for both sides are *ad idem* that henceforth Writ petition No.5113 of 2012 would be the lead matter and other writ petition No.18899 of 2012 will be heard along with the same as also other COCs.

17.12.2018

dkp

**(ARUN MONGA)
JUDGE**

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