

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

**CWP No. 10968 of 2014 (O & M)
Date of Decision:-09.10.2018**

Ishwar Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present:- Mr. Jagbir Malik, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

RAJIV NARAIN RAINA J.(Oral)

Prayer in this petition is for quashing the impugned order dated 28.2.2014 (Annexure P-14) passed by respondent No.1 rejecting the claim of the petitioner for regularisation of service as well as cancellation of entry in the service book of the petitioner for regularisation of his service on the post of Sanskrit Lecturer (School Cadre). Further a request has been made to issue a writ in the nature of mandamus directing the respondents to regularise the services of the petitioner from the date of his joining service on the post of Sanskrit Lecturer (School Cadre) in terms of letter dated 07.9.1994 (Annexure P-2) issued by respondent No.2 as the services of similarly situated persons like respondent No.4 were regularized by the

Department vide office order dated 05.7.2005 (Annexure P-16) and to grant him all the consequential benefits.

Mr. Rathee has filed amended written statement on behalf of respondent Nos.1 to 3 and 5. Same is taken on record. Copy thereof has been supplied to the counsel opposite.

Mr. Malik admits that there was no order of regularization to support the entry in the service book and therefore all benefits which have followed on the basis of that solitary entry in the service book deserve to be returned to the Department. His services can be governed only on his appointment after the orders passed by the Supreme Court and the fresh selection made on adhoc basis. In case teachers have been regularized under policies of the Government in the past, the petitioner cannot draw benefit on those instances when there is no order regularizing his services from the date claimed. The petitioner having taken undue benefit of a solitary entry in the service book recording that his services have been regularized, injured himself by a false impression created in the Department that he was a regular hand and, accordingly, earned promotions etc. which all are undue benefits based on a false entry not supported by record.

Para 2 of the amended written statement filed by Mr. Rathee is reproduced hereunder :-

“2. That in this regard, it is submitted that the petitioner has approached the Hon'ble Court by concealing true facts. In November, 1990, the Directorate Secondary Education Haryana advertised 5070 posts of various categories including lecturers,

masters etc. The petitioner applied for the post of Lecturer in Sanskrit but could not be selected. The un-selected candidates approached in the Hon'ble Punjab and Haryana High Court by way of CWP No.16167 of 1991 and the Hon'ble High Court after taking cognizance on the matter quash the selection list. Aggrieved from the above order of the Hon'ble High Court, the State of Haryana filed SLP before Hon'ble Supreme Court of India and the Hon'ble Supreme Court vide its judgment dated 08.10.1992 directed the appellants to constitute departmental committee to interview the un-selected candidates and ensure the selection as per posts available. The petitioner was also one of the unselected candidates and appeared before the interview Board as per the Hon'ble Court's directions. The candidates up to merit number 17 in Sanskrit subject were given appointment, whereas the petitioner number in the merit was 18. However, subsequently the petitioner was offered appointment against unfilled reserved post which could not be filled up due to non-availability of reserved category candidate vide order dated 04.02.1994.”

Accordingly, I find no ground to interfere in the order dated 28.2.2014 and also no infirmity has been found in cancelling the wrong entry in the service book, hence, the petition is liable to be and is hereby dismissed.

October 09, 2018
Vijay Asija

(**RAJIV NARAIN RAINA**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No