

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

CWP No.10778 of 2015(O&M)

Date of Decision:-25.05.2018

Rupinder Kaur.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH.

Present:- Mr. Dhiraj Chawla, Advocate for the Petitioner.

Mrs. Lavanya Paul, Assistant Advocate General, Punjab.

JASWANT SINGH, J.(ORAL)

Petitioner had competed for appointment to the post of Cutting and Tailoring Instructor against the six vacancies in the Backward Class category out of the 56 total posts advertised on 01.03.2013. The post is governed by the Punjab Industrial Training (Class-III) Technical Services Rules 2011 wherein the following qualification is laid down as per Rule 5 (Appendix-B:- for making the candidate eligible for the post in question:-

- “
- (i) *Candidate should possess valid diploma from a recognized university or institute in Costume Design and Dress Making or Fashion Design Technology;*
 - (ii) *Candidate should be possessing minimum two years of practical experience from a place registered under Factories Act, 1948 or an Institute recognized by government or should possess minimum two years of experience in teaching from Government;*

OR

- (i) *Should possess National Trade Certificate/National Apprenticeship Certificate in Cutting & Tailoring and Embroidery from National Council for Vocational Training;*
- (ii) *Should have passed Craft Instructors Training Course from Central Training Institute/Advance Training Institute OR should have passed Teachers Training Course in Cutting & Tailoring and Embroidery Trade from Industrial Training Institute in Punjab;*
- (iii) *Candidate should be possessing minimum two years of practical experience in an organization registered under Factories Act, 1948 or an Institute recognized by Government or should possess minimum two years of experience in teaching from government.* ”

Petitioner undertook the written test held on 14.07.2013 and secured 58 marks thereby was placed 5th in the merit list against 06 advertised in the Backward Class category. Three candidates were appointed on 15.05.2015 whereas two remained vacant. The petitioner was not offered appointment as she had submitted her National Trade Certificate which was issued on 21.10.2013 and produced on 22.12.2013 after the counselling fixed for 11.10.2013 was over.

The Course of National Trade Certificate no doubt were acquired prior to the last date of submission of application form i.e. 3.3.2013.

On the previous date following order was passed:-

“ *Learned State Counsel, on instructions from Shri Jaskaran Singh, Senior Assistant, Department of Technical Education & Industrial Training, IT Wing, Punjab, Chandigarh, submits that the 'National Trade Certificate' issued on 21.10.2013 (page Nos.24 & 25 of the paper book) has still not been verified by the petitioner.*

Learned counsel for the applicant/petitioner points out that the aforesaid certificate has been issued by

respondent No.2 itself, relatable to the DMC (page Nos.20 & 21). The records would be available with respondent No.2 and, therefore, the whole exercise is to harass the petitioner.

From the perusal of the previous orders dated 09.05.2017 & 29.01.2018, it is evident that the action of the respondents borders upon committing contempt of Court.

Adjourned to 25.05.2018.

Meanwhile, either the relief be granted to the petitioner, failing which the Director, Technical Education & Industrial Training, IT Wing, Punjab, Chandigarh, be personally present in Court on the date fixed.

To be shown in the urgent list. ”

At the time of hearing today, learned State Counsel submits that an appointment letter dated 24.5.2018 appointing the petitioner as Crafts Instructor (Cutting & Sewing) has been issued and as such in view of the same, present writ petition has become infructuous.

Counsel for the petitioner states that nothing more survives in the present petition for adjudication.

Disposed of as infructuous.

The petitioner shall only be entitled to her placement in the seniority as per her merit in the same Batch.

(JASWANT SINGH)
JUDGE

May 25, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>