

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

(I) CWP-16123-2014 (O&M)
Date of decision : 27.08.2018

Sunita Sharma

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(II) CWP-5446-2015 (O&M)
Date of decision : 27.08.2018

Ranjit Kaur

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kapil Kakkar, Advocate,
for the petitioner in CWP-16123-2014.

Mr. Gaurav Sharma, Advocate,
for the petitioner in CWP-5446-2015.

Ms. Kanica Sachdeva, AAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

The petitioners had applied for the post of Vocational Mistress (Electronics) in pursuance of an advertisement dated 23.09.2009, issued by the State Education Department. A total number of 78 posts were advertised, wherein, 39 posts were to be filled up from amongst General Category candidates. The recruitment process culminated in the selection

and appointment of the petitioners on the post in question.

However, subsequently it transpired that certain candidates belonging to the SC(R&O) category had secured higher marks than the candidates in the General Category. Therefore, the State Government by applying the principle of vertical reservation had adjusted a few candidates belonging to the SC (R&O) Category against the General Category. Resultantly, candidates belonging to the General Category including the petitioners, being lower in merit position, were terminated from service.

It is contended on behalf of the petitioners that there was no misrepresentation on the part of the petitioners and their appointment was done in the year 2011, on the post in question.

On the other hand, learned State counsel submits that the merit was revised pursuant to the directions of this Court. As per the revised merit list, the petitioners did not qualify for selection/appointment to the post in question, therefore, their services have been rightly terminated.

Heard.

The petitioners were selected in pursuance of the recruitment process initiated vide advertisement (Annexure P-1). After joining of the petitioners, one Sukhwinder Kaur approached this Court by way of filing CWP-24362-2011 for appointment as Vocational Mistress (Electronics) under the requisite reserved category. During the pendency of the writ petition, the merit list prepared by the selecting agency was revisited and certain candidates from the reserved category, including Sukhwinder Kaur, who had secured higher marks, were adjusted towards the general category

and the posts offered to the general category candidates having been

consumed by the candidates from the reserved category, the merits of the such general category candidates, including the petitioners, has come down.

Learned State counsel, on instructions, states that no candidate lower in merit than the petitioners has been selected in General Category. However, she fairly admits that as on now, there are three posts lying vacant in the General Category.

In view of the statement made, the State is directed to offer the aforesaid vacant posts to the candidates next in merit as per the revised merit list. The claim of the petitioners be also considered.

Disposed of.

27.08.2018
atulsethi

(JITENDRA CHAUHAN)
JUDGE

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