

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

**Civil Writ Petition No. 16903 of 2014 (O&M)
Date of Decision: 08.05.2018**

Kamlesh Kumari

..... Petitioner

Versus

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Dilpreet Singh Gandhi, Advocate for
for the petitioner.

Mr. Manoj Bajaj, Additional Advocate General, Punjab
for respondent Nos. 1 & 3 to 5/State.

Mr. Anupam Singla, Advocate
for **contesting** respondent No. 2/Sarav Shiksha Abhiyan Authority, Punjab

JASWANT SINGH, J. (ORAL)

An advertisement dated 20.11.2010 (**Annexure P-4**) was issued by Sarav Shiksha Abhiyan Authority, Punjab, for appointment of Masters/Mistresses on contract basis and consolidated salary in the subjects of Hindi, English, Science, Mathematics and Punjabi. The petitioner applied for the post of English Mistress against the Category reserved for Scheduled Caste (R&O). The merit was to be ascertained based on a written test and petitioner secured 37.75 marks and accordingly placed in merit. Since the petitioner did not fall within the zone of appointment in the said category, she has filed the present petition primarily claiming that in the light of instructions dated 20.12.2001 (**Annexure P-3**), the respondents were required to separately reserve 2% of the posts for *Vimukat Jatis / Bazigars*. The petitioner, then, claims that in the

light of the Scheduled Caste Certificate dated 18.01.2011

(Annexure P-1) issued in view of the petitioner belonging to *Vimukat Jati*, she is entitled to appointment upon such separate carving out of reserved post(s) for them.

Upon notice, a reply has been filed by **contesting** respondent No. 2 (Sarav Shiksha Abhiyan Authority, Punjab). In reply, it is stated that the final cut off merit for the post of English Masters/Mistresses under the Scheduled Caste (R&O) Category was fixed at 38.25 marks, thus, the petitioner is not entitled to appointment in view of her lower merit of 37.75 marks. In respect of the instructions dated 20.12.2001 **(P-3)**, requiring 2% of reservation of *Vimukat Jatis*, it is submitted that the same is applicable for direct recruitment by the Government, and as such is not applicable to the recruitment made under the project of Sarav Shiksha Abhiyan Authority, Punjab.

After hearing counsel for the parties at length and scrutinizing the pleadings, this Court finds that the present petition is devoid of merits.

No material has been placed on record to show that the carving out of a separate reservation for the *Vimukat Jatis* in compliance of the instructions dated 20.12.2001 **(P-3)** would be applicable to recruitment under the project of Sarav Shiksha Abhiyan Authority, Punjab, a scheme floated by the Government of India to supplement the resources of Elementary Education in the States. Secondly, the petitioner has undertaken the selection process and having failed cannot be now permitted to turn around and challenge the process. Even otherwise, the certificate relied upon the petitioner to claim appointment for *Vimukat Jati* is dated 18.01.2011 **(P-1)**, i.e., after the expiry of the last date for submission of the

apart, the petitioner till the certificate of *Vimukat Jati* dated 18.01.2011 (P-1) obtained, had on the strength of the Scheduled Caste Certificate in his possession of belonging to Scheduled Caste (R&O) Category, has already availed consideration for appointment to the said posts.

In view of the facts taken as cumulatively, no ground for invoking the writ jurisdiction is made out, hence, the present writ petition is liable to be dismissed.

Dismissed.

May 08, 2018

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**(JASWANT SINGH)
JUDGE**

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