

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

CWP No.19028 of 2018

Date of Decision:-07.09.2018

Smt. Puja Rani.

.....Petitioner.

Versus

**The Secretary, Govt. of Punjab, Department of School Education
(Primary Wing) & Ors.**

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Puran Chand Arora, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner belongs to the Scheduled Caste (M&B) category. She competed for appointment as Teaching Fellow on three years contract with consolidated salary of Rs.4550/- per month against the 49 seats advertised for her category for Patiala district vide advertisement dated 5.9.2007.

Petitioner has filed the instant writ petition claiming appointment against the aforesaid posts in her category in view of one Manju Gauri having lesser merit than her being appointed on 04.10.2017. The petitioner is stated to have secured 52.59% marks whereas Manju Gauri is stated to have obtained 41.27% marks in the selection process.

Without issuing notice of motion, Mrs. Anu Chatrath Kapoor, Additional Advocate General, Punjab was requested to verify the fact of appointments being made in the year 2017 relating to the advertisement of

the 2007.

At the time of hearing, learned State Counsel on instructions from Ms. Kanwal Kumari, DEO (Elementary Education), Patiala, Punjab submits that the entire selection process relating to the advertisement stood closed in the year 2013 which had got delayed because of the pending writ petitions/contempt petitions in this Court questioning the award of marks for having studied in Rural areas as also bifurcation of the posts between male and female inspite of the cadre being one. It is next submitted that some of the candidates had filed writ petitions/contempt petitions in the year 2013 itself, which got decided by this Court in the year 2016/17 resulting into offering appointment letters to only such petitioners in the year 2017 including Manju Gauri in view of the decisions in their favour. She further points out that this Court had specifically restricted the benefit of appointments to the petitioners therein by denying any right of appointment to any candidate being higher in merit than the petitioners in the light of them being fence hitters and having not approached this Court in time. She states that the petitioner falls in such category.

In view of the stand of the State through their counsel as also the fact that even a civil suit would be barred by law of limitation, this Court finds no grounds to invoke writ jurisdiction.

Dismissed.

(JASWANT SINGH)
JUDGE

September 07, 2018
Vinay

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