

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

CWP No.26357 of 2017
Date of decision: 15.01.2018

Vijay Kumar and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Nishant Arya, Advocate for the petitioners.

ARUN PALLI, J. (Oral)

Haryana Staff Selection Commission vide advertisement dated 22.12.1997, advertised 2584 posts of JBT Teachers. Petitioners being fully eligible competed for selection under DESM BC-A category being dependents of Ex-servicemen. Petitioners purport to have qualified the written examination and thus were called for interview. Final result was declared by the Commission on 09.12.1998, but the name and roll numbers of the petitioners were not reflected in the selection list under the concerned category. On enquiry, it was found that the petitioners had indeed obtained 55.54 & 50.51 marks, respectively, whereas few of the candidates who had obtained lesser marks were selected. Resultantly, the petitioners approached this Court vide CWP No.17385 of 2001 and CWP No.265 of 2002. This Court, vide orders dated 02.11.2001 & 7.01.2002, disposed of both the petitions with a direction to the respondents to consider the representations made by the petitioners. As a result, the Director Primary Education Haryana examined the records and found that the petitioners were indeed higher in

merit than few of the selected candidates. Accordingly, the orders of appointment dated 13.03.2002 & 20.11.2002 were issued by respondent No.2 appointing petitioners as JBT Teachers. Thereafter, petitioners purport to have made several representations to the respondents to award them benefit of deemed date of appointment and other consequential benefits, but to no avail. So much so, the legal notice dated 28.05.2017 (Annexure P7) the respondents have been served with, has failed to evoke any response. And no result is in sight either.

That being so, the petition is disposed of, at this stage, only with a direction to the respondent authority to consider and decide the claim of the petitioners as also legal notice dated 28.05.2017 (Annexure P7), within a period of eight weeks from the receipt of certified copy of this order. And pass appropriate orders in accordance with law. In the event, the claim of the petitioner is declined, the respondent authority shall pass a comprehensive order assigning reasons in support thereof.

(Arun Palli)
Judge

15.01.2018
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO