

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

**Civil Writ Petition No.26748 of 2018
Decided on : 17.12.2018**

Nirankar Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Kuldip Singh, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Article 226/227 of the Constitution of India seeks consideration for appointment to the post of Social Studies Master/Mistress, in view of being higher in merit and being older in age. The claim of the petitioner is that in pursuance to the advertisement dated 20.11.2015 (Annexure P-1), 1500 posts were advertised and he had applied for the Social Studies Teacher (Master Cadre) post in the Scheduled Caste (R & O) category (Annexure P-4). He had secured 83 marks in the Punjab State Teachers Eligibility Test-2014 and, thereafter, secured 109 out of 150 marks in the subject examination (Annexure P-3). His name was not reflected in the merit list, as the last candidate who had obtained 193 marks, namely, Jagtar Singh was selected and who was younger in age.

It is the case of the petitioner that in view of the order passed in **CWP No.25300 of 2014 'Rajinder Singh and others Vs. State of Punjab and others'** and other connected petitions, decided on 11.01.2017, the

benefit of one grace mark is to be given to the candidates, who had sat in PSTET held on 24.08.2014 and the answer key was to be modified. On the basis of the same, his claim is that he had obtained 84 marks and, thus, has secured 193 marks in total now. Resultantly, the legal notice dated 18.09.2018 (Annexure P-7) has been served upon the respondents that he has become eligible for consideration to the appointment of the said post and there was no fault on his account.

It is the case of the petitioner that posts are vacant and, therefore, he should be considered for appointment. Counsel further submits that he would be satisfied if a decision is taken on the said legal notice within a fixed time frame.

Notice of motion.

Ms. Simran Grewal, AAG, Punjab accepts notice on behalf of the respondents/State. Copy of the paper-book has been supplied to her.

Keeping in view the above, no useful purpose will be served by calling upon the respondents to file reply, since the decision making process is still to be completed and it will delay the whole process.

Accordingly, without commenting upon the merits of the case or entitlement of the petitioner, the present writ petition is disposed of with the direction to the respondent No.1 to take a decision on the legal notice dated 18.09.2018 (Annexure P-7). In case the petitioner is found entitled for appointment, the necessary relief will be granted. In case the petitioner does not come within the zone of consideration or not

entitled, a speaking order be passed and same be communicated to the petitioner. The needful be done within a period of two months from the receipt of the certified copy of this order.

It is further clarified that no candidate who has already been appointed shall be displaced in order to accommodate the petitioner at this stage, since there is no private respondent who has been arrayed as party and as per settled principle the selected candidate cannot be displaced without giving him opportunity of hearing.

The present writ petition is disposed of, accordingly.

DECEMBER 17, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No