

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

**CM-3668-LPA-2016 in/and
LPA No.1794 of 2016 (O&M)
Date of Decision: 28.08.2018**

Hardeep Kaur

...Appellant

VS.

State of Punjab & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. Abhinav Gupta, Advocate for the appellant

Mr. Rajesh Bhardwaj, Sr.DAG Punjab

Mr. Sukhdev Kamboj, Advocate for respondent No.3 & 4

SURYA KANT J. (Oral)

(1) This Letters Patent Appeal assails the order dated 01.06.2016 whereby learned Single Judge allowed the writ petition filed by respondents No.3&4 apparently without taking any reply from the State as notice was issued to the State on the same day when the writ petition came to be allowed.

(2) The appellant filed the instant appeal claiming, *inter alia*, that as a result of the order passed by learned Single Judge she has been downgraded to the waiting-list from the main selection list and the writ-petitioner (respondent No.3) has now become higher in merit than her.

(3) Counsel for respondent No.3 though does not dispute the fact that the appellant has been affected by the directions issued by the learned Single Judge, he, however, submits that it was not necessary to implead the appellant as party respondent for no final selection had been made by that time.

(4) Be that as it may, the appellant appears to be a necessary and

proper party who too is required to be heard in the matter.

(5) Consequently, the order passed by learned Single Judge dated 01.06.2016 is set aside and the matter is remitted to learned Single Judge for fresh adjudication of the writ petition filed by respondents No.3&4. The appellant will be impleaded as respondent No.3 in the writ petition. Let one opportunity be given to the official respondents as well as the appellant to file their respective written statements and thereafter the controversy may be decided on merits afresh. Since respondent No.3 (Gagandeep) has been appointed meanwhile and is working as such since 12.09.2016, his appointment shall not be disturbed but it will be subject to final outcome of the writ petition.

(6) Parties are directed to appear before learned Single Judge on 03.10.2018.

(7) We request learned Single Judge to decide the matter expeditiously.

(Surya Kant)
Judge

28.08.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No