

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

**LPA No.2001 of 2016 (O&M) in
CWP No.6502 of 1994
Date of Decision: 14.05.2018**

Jai Kumar and others

..... Appellants

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Sanjay Kaushal, Senior Advocate with
Mr. Lalit Rishi, Advocate and
Mr. Anil Kumar Sharma, Advocate
for the appellants.

Mr. Samarth Sagar, Addl. A.G., Haryana.

RAJESH BINDAL J.

Order dated 11.03.2015 passed by the learned Single Judge dismissing the writ petition filed by the appellants has been impugned by filing the present intra-court appeal.

The issue under consideration pertains to the selection and appointment to the post of Maths and Science Masters. The advertisement was issued in the year 1990. The selection was initially quashed by this

Court. However, the matter went up to Hon'ble the Supreme Court. The same was disposed of on October 08, 1992 with certain directions which were issued in view of the stand taken by learned counsel appearing for the State in Civil Writ Petition No.423 of 1992 titled as '*Anshu Jain and others vs. Ramesh Chandra and others*'.

After the aforesaid order was passed by Hon'ble the Supreme Court, a bunch of petitions were filed before this Court seeking a direction to the State to produce the merit list prepared in terms of the aforesaid directions issued by Hon'ble the Supreme Court. These petitions in which the main petition was CWP No.6248 of 1994 titled as '*Ramesh Chander and others vs. State of Haryana and others*', were disposed of on 19.11.1996 with the following directions:-

- (1) The respondents shall get published within one month from today the list of selected candidates in the Tribune (Hindi Edition).
- (2) They shall also get published the number of vacancies which had occurred during the period of one year as contemplated by the Supreme Court's order and give specific indication regarding unfilled vacancies.
- (3) The respondents should also indicate the appropriate number of reserved vacancies meant for Scheduled Castes/Backward Classes/Ex-servicemen/Physically Handicapped persons.
- (4) The respondents should also indicate the number of vacancies meant for male and female categories.

- (5) Within one month of the publication of the select list, appointment orders should be issued strictly in accordance with the merit position.
- (6) In case the candidates who are offered appointment do not join within the stipulated period, the respondent No.2 should repeat the exercise by giving appointment to those who are lower in merit.
- (7) Any person aggrieved by denial of appointment may make representation to respondent No.2 and such representation shall be disposed of within two months by a speaking order.

Subsequent thereto, the State prepared a fresh merit list which was published in the newspaper on 01.07.1997 specifically mentioning therein that if any of the candidates had any grievance, he could approach the Department of Secondary Education, Haryana within 15 days of the publication of the merit list. The appellants did not raise any objection.

Once the merit list had been prepared and published in view of the directions issued by the Division Bench of this Court in *Ramesh Chander's case* (supra) which in turn were as per the order dated 08.10.1992 passed by Hon'ble the Supreme Court in *Anshu Jain's case* (supra) and the names of the appellants do not fall within the vacancies which were to be filled up in terms of the order passed by Hon'ble the Supreme Court, there is no error in the order passed by the learned Single Judge.

Accordingly, the appeal is dismissed and consequently, the application seeking condonation of delay in filing the appeal is also dismissed.

(RAJESH BINDAL)
JUDGE

(DEEPAK SIBAL)
JUDGE

14.05.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No