

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

CWP-22161-2013 (O&M)
Date of decision : 15.01.2019

Seema Jhamb

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Sharma, Advocate for the petitioner.

Mr. Vikas Mohan Gupta, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J.

The petitioner seeks quashing of the order dated 02.08.2013 (Annexure P-7), passed by respondent No.3, whereby, her claim for appointment to the post of teaching fellow was rejected despite the admission that she was placed higher in merit as also the fact that absentees of the first counselling were called in the subsequent counselling.

It is the case of the petitioner that the respondents issued advertisement dated 05.09.2007 for filling up of 9998 posts of Teaching Fellow. Out of the said posts, 570 posts were for District Sangrur. Further, the posts were to be shared in the ratio of 50:50 between male and female candidates. The petitioner being fully eligible, applied for the said post against the vacancies reserved for District Sangrur as a general category candidate. Her merit percentage was assessed at 63.532%. The petitioner was called for counselling held on 17.12.2007, which she attended and

remained successful. Ultimately, she was selected and appointment letter dated 14.07.2010 (Annexure P-1) was issued. However, due to some unavoidable circumstances, she could not join the duties within the prescribed time. It is further submitted that the action of the respondents in preparing different merit lists for male and female candidates were challenged before this Court and in pursuance of the orders passed by this Court, a combined merit list was prepared. The previous appointments were held invalid and on the basis of the combined merit list, the respondents conducted second counselling in a discreet manner, wherein, even the absentees from the first counselling were called. The grouse of the petitioner is that the candidates lower in merit than the petitioner were given appointments, whereas, the petitioner has been denied the benefit.

On the other hand, learned State counsel submits that though the petitioner had been selected as per her merit but she did not join within the prescribed period. The petitioner also submitted affidavit that she did not want to join on the post in question (Annexure R-1). Therefore, the petitioner was not called in the subsequent counselling.

Heard.

The precise contention of the petitioner is that as the earlier appointments were invalidated by the judgment of this Court and a direction was issued to draw a combined merit list, the petitioner ought to have been invited in the subsequent counselling. However, the argument raised is misconceived. Subsequent to the post being offered to the petitioner, she submitted affidavit (Annexure R-1) to the respondents stating thus:-

“I, Seema Jhamb wife of Sanjeev Kapila, D/o Sh

Lakshmi Chand Jhamb Resident of Stree No.6 Punia Colony, Haripura Road, Sangrur, Tehsil and District Sangrur affirm and declare as under:

- 1. That District Education Officer (Elementary Education) Sangrur issued to me offer letter for the post of teaching fellow vide letter no. E-2 () teaching fellow/2010-11/1518-21.*
- 2. That for this post in the General Female Category my merit marks is 63.532 and registration no. is 2164.*
- 3. That I do not want to join against the post of teaching fellow.*
- 4. That I shall not object if the appointment is issued to any other candidate in place of mine.”*

Thus, pursuant to submission of affidavit (Annexure R-1) by the petitioner (Annexure R-1), she relinquished her claim over the post in question and therefore, ceased to be in the zone of consideration. Therefore, any subsequent developments would not entitle her to again lay claim on the post in question.

In view of the above discussion, this Court is of the considered opinion that the instant petition is devoid of any merit and the same is, hereby, dismissed.

15.01.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No