

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

**CWP No.19319 of 2019
Date of decision:15.10.2019**

Ram Niwas and others ... Petitioners

Vs.

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Suvir Sidhu, Advocate
for the petitioners.

Mr. Hitesh Pandit, Addl.A.G.Haryana.

AMIT RAWAL J. (Oral)

Grievance of the petitioners in present case is very plain and simple that in pursuance to advertisement no.4 of 2009 dated 13.08.2009, they had appeared in written examination of School Teacher Eligibility Test (STET) which was essential for appointment to the posts of Junior Basic Teachers (JBT).

Mr. Suvir Sidhu, learned counsel appearing on behalf of the petitioners submits that this Court, vide order dated 20.08.2019, had disposed of identical matters i.e. CWP No.9134 of 2019 titled as 'Sushil Kumar and others Vs. State of Haryana and another', alongwith another writ petition bearing No.9725 of 2019 in pursuance to the affidavit filed by the State expressing 'No Objection' if the directions are issued to Haryana Staff Selection Commission for conducting physical verification of remaining

candidates who were about 776 candidates.

This Court on 18.07.2019 called upon the State to file an affidavit. Today, short affidavit dated 15.10.2019 of Deputy Director, Elementary Education, Haryana, Panchkula, has been filed in Court today. The same is taken on record. A copy thereof, has been handed over to the counsel opposite. Paragraph 4 of the affidavit read as under:-

“4. That it is submitted that the claim of the petitioners have already been accepted by the answering deponent at mentioned in the above said order dated 20.08.2019 for their physical verification as these petitioners of the present writ petition are also included in 776 candidates.

Keeping in view above explained facts, it is prayed that the present writ petition may kindly be disposed of in terms of order dated 20.08.2019 passed in CWP No.9134 of 2019 titled as Sushil Kumar and others Vs. State of Haryana and another and CWP No.9725 of 2019 titled as Vijay Vs. State of Haryana and another.”

However, Mr. Suvir Sidhu, Advocate at this stage points out that while disposing of the aforementioned writ petitions, this Court had granted liberty to the petitioners therein to seek vindication of their grievance in the independent proceedings but this Court was not apprised of communication dated 27.06.2019 (Annexure P-12) received from the Director Elementary Officer, Shiksha Sadan, Sector 5, Panchkula, Haryana addressed to all the District Elementary Education Officers in the State of

Haryana regarding criminal proceedings, where FIRs have been lodged, to keep pending/abeyance.

The direction contained in the order dated 20.08.2019 was not only for the petitioners therein but for all the candidates but it has been pointed out that direction was issued qua petitioners therein and not for all. In these circumstances, direction is required to be issued in present case.

In view of undertaking given in paragraph 4 of affidavit, I deem it appropriate to dispose of writ petition with a direction to the respondents to conduct the physical verification of the petitioners including all the remaining candidates in view of order dated 20.08.2019 and as well as affidavit dated 15.10.2019. Since directions of Joint Director, Directorate Elementary Education pertain to 564 candidates but in my view it should have been qua 776 candidates. Till then, concerned District Education Officer is directed to inform the concerned Station House Officer for compliance of the directions contained in the letter dated 27.06.2019 to keep the police proceedings in abeyance.

Disposed of.

(AMIT RAWAL)
JUDGE

October 15, 2019
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No