

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

**CWP No.19337 of 2019  
Date of decision:16.09.2019**

Mohini and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Keshav Gupta, Advocate ;  
Mr. Vijay Dahiya, Advocate and  
Mr. Sandeep Thakan, Advocate  
for the petitioners.

Mr. Harish Nain, AAG, Haryana.

**AMIT RAWAL J. (Oral)**

This order of mine shall dispose of six civil writ petitions bearing Nos.19337, 22549, 22806, 22854, 24548 and 25145 of 2019 as grievance expressed in all writ petitions is identical.

In pursuance to advertisement dated 08.11.2012 caused by the then Haryana School Teachers Selection Board Hartron Bhawan, Panchkula (now Haryana Staff Selection Commission), applications were invited for filling-up the posts of Primary Teachers (PRTs). All the petitioners applied and were ultimately found successful as per merit list (Annexure P-2).

Mr. Keshav Gupta, learned counsel appearing on behalf of the petitioners submitted that some of disgruntled persons filed CWP No.12938 of 2014 in this Court alleging cheating in HTET examination. However, after considering reply of State, Hon'ble Division Bench, vide order dated

06.08.2014 (Annexure P-3), disposed of writ petition, with the direction that before declaration of result and issuance of appointment letters, necessary verification was to be conducted in respect of each candidate. Few of the candidates found in merit list were rejected entailing into filing of subsequent CWP No.11761 of 2017 titled as 'Veena Yadav and others Vs. State of Haryana and others' and in the aforementioned writ petition, directions were issued to re-conduct the physical verification of selected candidates.

According to the submission, issue was regard to identification of the candidates. Selected candidates were issued appointment letters but they were still aggrieved on account of non-grant of notional seniority and pay fixation resulting into another round of litigation i.e.CWP No.10534 of 2017. This Court, vide order dated 26.03.2019 disposed of writ petition by observing that seniority of appointed candidates would relate back to their inter se merit positions as determined by the Haryana Staff Selection Commission but monetary benefits would remain notional.

It was next contended that in pursuance to the aforementioned directions, office of Director Primary Education came out with instructions dated 24.06.2019 (Annexure P-7) confining the relief to petitioners in CWP No.10534 of 2017 whereas benefits given were not in personam but in rem. Attention of this Court has also been drawn to memo dated 31.08.2019, Annexure R-1 by extending the similar benefits to the petitioners.

Learned counsels appearing on behalf of the petitioners submitted that all the petitioners have unnecessarily been compelled to

approach this Court only on account of fault of respondents who have not comprehended the directions of this Court in correct perspective which is evident from Annexure R-1.

Learned State Counsel did not deny the extension of benefit to all instead of petitioners in CWP No.10534 of 2017.

I have heard learned counsel for parties, appraised paper book and of view that decision of the respondents in granting the benefits in piecemeal instead of all, is wholly atrocious, fallacious and ill founded. It would be in the fitness of things to extract paragraphs 4 and 5 of order dated 26.03.2019 passed in CWP No.10534 of 2017. The same read thus:-

*4. As per directions of this Court in CWP No. 11761 of 2017, Veena Yadav and others Vs, State of Haryana and others, the physical verification of the selected candidates has been re-conducted. Appointment letters have been issued to those candidates whose faces match their photographs on the application forms establishing their identity beyond doubt. Court is told that the 81 petitioners in CWP No.15921 of 2017, titled Balinder and others Vs. State of Haryana and others have been appointed to service on regular basis, while 02 candidates stand appointed on ad hoc basis being lower in merit and 02 of the lot have not been offered appointments at this stage being still lower in merit in the main select list prepared by*

*the Haryana Staff Selection Commission and lack of clear vacancies.*

*5. Accordingly, the seniority of the appointed candidates will relate back to their inter se merit positions as determined by the Haryana Staff Selection Commission. However, monetary benefits will remain notional”*

As per Annexure R-1, State has already extended the benefits, it appears that they had not comprehended the directions of this Court in correct perspective and applied the decision in piecemeal. The State cannot adopt pick and choose policy as affect of enuring benefit to all.

Resultantly, writ petitions are disposed of with a direction to the respondents to give benefits to the petitioners in terms of Annexure R-1 and also other affected candidates who have not come to this Court as expeditiously as possible.

(AMIT RAWAL)  
JUDGE

September 16, 2019  
savita  
Whether Speaking/Reasoned  
Whether Reportable

Yes/No  
Yes/No