

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

**CWP No.22550 of 2017
Date of decision:04.12.2019**

Shallu Gupta

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Aruna Sachdeva, Advocate
for the petitioner.

Mr. Navdeep Chhabra, D.A.G., Punjab.

SUVIR SEHGAL J.

The instant petition has been filed for issuance of a writ in the nature of mandamus for directing the respondents to appoint the petitioner to the post of Art & Craft Teacher as per her merit and to consider her candidature against 30 posts of Art & Craft Teachers which are lying vacant.

In pursuance to the advertisement dated 23.09.2009, the petitioner had applied for the post of Art & Craft Teacher and submitted her application form online wherein she filled all the requisite details regarding her educational qualification and experience. On that basis, the respondents published provisional merit list wherein her name was shown at serial no.287 with 66.098 marks. The petitioner claims that she had been wrongly given 03 marks for teaching experience whereas she was entitled to 05

marks which would increase her marks from 66.098 to 68.098 thereby qualifying her to be selected. She has further claimed that after the publication of the final list in 2011, her father had an attack of Angina and even she fell ill and was hospitalized, as a result, she could not pursue her case. After obtaining information under the Right to Information Act 2005 on 26.05.2016, she served a legal notice dated 12.11.2016 upon the respondents with the request that her name be considered for the post of Art & Craft Teacher against the seats lying vacant.

Upon notice, the respondents have filed the written statement and resisted the claim of the petitioner. They submitted that the provisional merit list had been prepared on the basis of online particulars filled by the candidates. Three marks were awarded as per experience filled by her and her merit was calculated on that basis. The merit of the last selected candidate in the General Category was 66.2332 and therefore, the petitioner was not considered for selection as she was lower in merit than the last selected candidate. They have further submitted that a corrigendum was published in the newspaper by way of a public notice dated 15.11.2009 (Annexure R-1) whereby the candidates were called upon to rectify the online mistakes committed by them while filling/editing their forms online. This opportunity was extended to all the candidates from 16.11.2009 to 20.11.2009 but the petitioner did not respond to the said public notice. They have further submitted that appointment letters were issued to all the selected candidates in 2011. Subsequently, all the waiting lists were cancelled vide order dated 09.08.2013 (Annexure R-2) and the present

petition is highly belated.

From the above stand taken by the respondents, it is apparent that there was a mistake committed by the petitioner in filling her online form. The opportunity to rectify the mistake had also been extended by the respondents. The original form was filled online. Even the opportunity to make corrections therein was given by the respondents online. However, the petitioner has not given any reason as to why she did not avail of the opportunity given by the respondents. The claim of the petitioner, therefore, does not deserve to be entertained.

Not only this, the respondents in their reply have specifically stated that the appointment letters to all the candidates were issued in the year 2011. Remaining vacancies were advertised by the Department of Education, vide advertisement dated 09.09.2012 (Annexure R-5) whereby 5178 posts were advertised including 100 posts of Art & Craft Masters/Mistresses. Subsequently, vide order dated 09.08.2013 (Annexure R-2), the Government took a conscious decision to cancel all the waiting lists.

The process of selection initiated, vide advertisement dated 23.09.2009, had come up for adjudication before a Division Bench of this Court in LPA No.1781 of 2014 titled as 'Loveleen Kaur Vs. The State of Punjab and others' decided on 03.11.2014 wherein while rejecting the argument that the appellant should be called for counselling, if any, held in future, the Division Bench observed as under:-

We do not find that any such direction can be given. The publication to conduct counseling was done through a public notice. The second counseling was conducted in the year 2011 i.e. more than 3 years earlier. The selection process once concluded, cannot be kept pending till eternity so as to confer right on the applicants for appointment. However, as and when any fresh advertisement seeking appointment is issued, it shall be open to the appellant to apply in accordance with law.

We do not find any merit in the appeal and the same is hereby dismissed.

In view of above, the claim of the petitioner is totally meritless and the writ petition is accordingly dismissed.

(SUVIR SEHGAL)
JUDGE

December 04, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No