

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 25.03.2019

CWP No.28091 of 2017 (O&M)

Ajit Kumar and others

...Petitioner(s)

Vs.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jasbir Mor, Advocate
for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J.(ORAL)

1. The Advocate General, Haryana, Chandigarh has received a letter dated 25.03.2019 from the Director Elementary Education, Haryana, Panchkula, stating in Para-5 as follows:-

“5. That no candidate from the waiting list of Rest of Haryana cadre has been issued appointment letter till date whereas the candidates of waiting list for Mewat Cadre have been issued appointment letters on regular basis against available vacancies came into existence due to non joining of recommended candidates. Three out of total five petitioners have been issued appointment letter on regular basis whereas two are still under consideration. Since, the Hon'ble Division Bench has restrained the respondents to issue appointment letter beyond advertised posts, consequently, the respondents are not in a position to issue appointment beyond advertised posts. Appointment letters to these two candidates would be issued appointment on availability of vacancies.”

The letter dated 25.03.2019 is retained on record as Mark 'A'.

2. It comes forth that three of the five petitioners have been issued appointment letters on regular basis and as far as they are concerned the writ petition has been rendered infructuous. Two remaining petitioners i.e. petitioner Nos.1 and 3 would be issued appointment letters on availability of vacancies. The legal constraint upon the Government is that the appointment cannot be offered beyond the advertised posts.

3. Ms. Shruti Jain Goyal, DAG, Haryana submits that the recommendations by the Commission are far in excess of the advertised vacancies and consequently all selected candidates cannot be offered appointment.

4. However, those who are in the range of advertised vacancies remaining unfilled, for one reason or the other, are in the process of being offered appointments from the select list.

5. In view of this, the petition is allowed without forming any expression of opinion on the merits of the case.

6. A direction is issued that as and when two vacancies are available for these two candidates, then in terms of their merit, they be offered appointment to the post of Primary Teacher (PRT) (Mewat Cadre).

25.03.2019
rekha

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No