

Civil Writ Petition No. 27258 of 2018 (O&M)
Date of decision : 04.07.2019

Gurmail Singh

... Petitioner

versus

State of Punjab & Ors.

... Respondents

CORAM:-HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Amrik Singh, Advocate
for the petitioner.

Ms. Anu Chatrath, Sr. Advocate with
Ms. Ambika Bedi, AAG Punjab

ARUN MONGA, J(ORAL)

1. Conceded position, as per the contention of learned counsel for the petitioner, is that the petitioner does not have more marks than the last selected candidate, but on coming to know that respondent No.3 who had lesser marks than him and yet has been selected as Punjabi Master for the recruitment in the year 2009, he has filed the instant petition.
2. Though, formal notice was not issued by this Court, learned State counsel, on advance service of copy of petition, has appeared to render assistance.
3. An affidavit dated 08.03.2019 sworn by Mr. Karamjit Singh, Deputy Director, Education Recruitment Directorate, Department of School Education, Punjab has been filed. It has been deposed therein that Appointment Authority i.e. respondent No.2-Director Public Instructions is looking into the entire matter and it has been discovered that no appointment letter of Punjabi Master was issued to respondent No.3.

Pursuant to the preliminary enquiries, respondent No.3 has already been

suspended and the disciplinary proceedings have also been initiated against him, as reflected from letter/ order dated 27.02.2019 (Annexure R-1/T).

4. Subsequent thereto, this Court vide order dated 08.05.2019 sought further response from the State about the stage of enquiry and also to apprise the Court as to who is responsible for granting the appointment to respondent No.3 and whether the same amounts to a criminal offence.

5. In compliance thereof, another affidavit dated 04.07.2019 sworn by said Mr. Karamjit Singh has been tendered during course of hearing, which is taken on record and a copy thereof has been supplied to learned counsel for the petitioner. It has been stated therein that Sh. B.C. Gupta, Addl. District & Sessions Judge(Retd.) has been appointed as an Enquiry Officer to look into the matter of appointment of respondent No.3 Jagminder Singh, within 30 days.

6. On a query posed by this Court as to who is responsible for granting the appointment to respondent No.3 and whether it amounts to criminal offence, learned Senior counsel appearing for respondents NO.1 and 2 submits that the same shall be ascertained only after the enquiry report is furnished by the learned Enquiry Officer. She submits that respondent No.3 was appointed in the year 2009 and departmental action is being taken in accordance with law and criminal proceedings, if warranted and advised, shall also be initiated in due course, depending upon the outcome of the enquiry, as aforesaid.

7. In the premise, the petitioner being not meritorious enough so as to entitle him appointment, the petition is dismissed. However, a liberty is granted to the petitioner to approach this Court and to seek appropriate

remedy, in case it is found that respondent No.3 has been appointed rightly despite having lesser marks than the petitioner. It would be appreciated if the enquiry proceedings are concluded by the learned Enquiry Officer within three months.

04.07.2019

Jiten

1. Whether speaking/ reasoned:

Yes/ No

2. Whether reportable:

Yes/ No

(ARUN MONGA)
JUDGE