

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

CWP No.25758 of 2019

DATE OF DECISION : 13.09.2019

Rajan Tah

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Suneet Singh Deol, Advocate
for the petitioner.

ARUN MONGA, J.(ORAL)

Grievance of the petitioner is that despite being qualified and meritorious, having obtained 201 marks, he has not been accorded benefits of his merit and is not being considered for appointment to the post of SST Master.

2. Notice of motion.

3. On advance service of copy of petition, Ms. Ambika Bedi, AAG., Punjab appears and accepts notice on behalf of State. No further pleadings are required.

4. Learned counsel for the petitioner has drawn my attention to an affidavit dated 13.03.2019 (Annexure P-17) filed by Kulvinder Kaur, Assistant Director, Education Recruitment Directorate, Department of School Education, Punjab, in COCP No. 1262-2018 in CWP-23176-2017 instituted by the petitioner in earlier round of litigation. The relevant extract of affidavit is reproduced below:-

“That it is respectfully submitted that there are 70 eligible candidates between the petitioner and the last selected candidate-Harprit Kaur. Out of 70 candidates, candidature of one candidate was rejected. 18 candidates have been considered in their respective reserved categories. 51 eligible candidates having higher merit than the petitioner (General category) have also to be considered in General category. However, there are only 41 vacant posts in General category. Hence, appointment letter cannot be issued to the petitioner at this stage.”

5. In view of the aforesaid, the conceded position that emerges is, the department is in process of considering the candidature of 51 eligible candidates who are between the last selected candidate (General category) and the petitioner. Admittedly, there are only 41 vacant posts in the General category as against above 51 eligible candidates to be considered by the department.

6. In the premise, without commenting on the merits of case, the writ petition is disposed of with the directions to the respondents to consider the candidature of the 51 eligible candidates within the period of 60 days and accord benefit of the merit to them in accordance with law and thereafter, decide the case of the petitioner in case any vacant posts emerges after considering the candidature of said 51 candidates, provided, of course, petitioner is otherwise meritorious as per his performance in the selection process.

7. Disposed of in above terms.

13.09.2019

Harish Kumar

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No