

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

126

CWP No.25728 of 2019

Date of Decision : 16.12.2019

Pankaj and another

....Petitioners

v/s

State of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Ashish Naik, Advocate for the petitioners.
Mr. Harish Rathee, Senior DAG, Haryana.

B.S. Walia, J. (Oral)

[1] Prayer in the writ petition is for the issuance of a writ of Mandamus for directing the respondents to revise the result (Annexure P/10) dated 01.07.2019 and to consider and appoint the petitioners on the post of Lecturer in Applied Sciences (Chemistry) against advertisement No.01/2014 (Annexure P/1) dated 10.03.2014.

[2] Brief facts of the case, leading to the filing of the writ petition are that the respondents issued advertisement (Annexure P/1) dated 10.03.2014 *inter alia* for the post of Lecturers in Society Polytechnics throughout the State in different subjects, including 04 posts in the General Category and 03 posts in the SC Category in the subject of Applied Sciences (Chemistry).

[3] Grievance of the petitioners is that although the posts advertised were as per details given above, yet in the declaration of the result i.e. Annexure P/10, as against the 04 posts in the General Category only 03 posts were shown in the General Category and as against 03 posts in the SC

of the selected candidates. The name of petitioner No.1 has been mentioned at Serial No.1 in the waiting list of General Category candidates, likewise, the name of petitioner No.2 has been shown at Serial No.1 in the waiting list of SC Category candidates.

[4] Affidavit of Shri A. Sreenivas, Vice Chairman-cum-Director General, Technical Education Department, Haryana, Panchkula, has been filed on behalf of respondent Nos.1 to 3. The same is taken on record. Copy thereof already handed over to learned counsel for the petitioners, who states that in view of General Category candidates, Ms. Sangeeta not having joined duty till date against the post of Lecturer in Applied Sciences (Chemistry) at Government Society Polytechnic Meham and the Department having undertaken to consider the claims of persons, who are in the waiting list of General Category against the unfilled General Category seat of Ms. Sangeeta, petitioner No.1 does not press the writ petition and is satisfied with the stand of the respondents to fill up the unfilled vacancies, after following the due process, in accordance with law.

[5] As regards, the post of Lecturer Applied Sciences (Chemistry) against the SC Category, learned counsel for the petitioners further states that the respondents have now come up with advertisement for 02 posts of Lecturers Applied Sciences (Chemistry) visiting faculty in the Government Societies and the name of the petitioner be directed to be considered for appointment against 01 of the 02 advertised vacancies (visiting faculty).

[6] Learned Senior Deputy Advocate General, Haryana, states that the petitioners may submit an application in response to the advertisement and the claim of the petitioners would be considered, in accordance with law.

[7] In the light of the position as noted above, the writ petition is ***disposed of*** in view of the stand in the affidavit that the unfilled post of General Category candidate of Lecturer in Applied Sciences (Chemistry) at Government Society Polytechnic Meham would be considered by the respondents for filling up after following due process of law and by considering the claims of all eligible persons in the waiting list of General Category. Secondly, petitioner No. 2 may apply for the post of Visiting Faculty, post of Lecturer in Applied Sciences (Chemistry) as is stated to have been advertised and the respondents may consider the claim of petitioner No.2 for appointment in respect thereto, in accordance with law.

(B.S. Walia)
Judge

December 16, 2019
'Rajneesh'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No