

**Sr. No.124
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.28804 of 2019 (O&M)

Date of Decision: 04.10.2019

Malkiat Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Vishal Mittal, Advocate,
for the petitioners.

Ms. Anu Chatrath, Senior Advocate with
Mr. P.S.Bajwa, Additional A.G., Punjab.

ARUN MONGA, J.(ORAL)

Grievance of the petitioners is that they are not being accorded the benefit of judgments dated 26.02.2019 (Annexure P-1), 05.07.2019 (Annexure P-2) and despite being meritorious, they are not being issued appointment letters for the post of Teachers (Science/ SST/ Punjabi/ Hindi/ English/ Mathematics etc.).

2. Learned counsel for the petitioners submits that similarly situated persons had earlier approached this Court vide CWP-21108-2017, which was disposed of in following terms:

“Petitioners, in the above-mentioned petitions, are seeking a writ of mandamus to direct the respondents to consider the case of the petitioners for appointment to the posts of Masters/Mistresses/E.T.T. Teachers in various subjects as they claim to have cleared Teachers Eligibility Test as per the revised result.

Admittedly some appointments were made on the basis of result declared earlier. An anomalous situation has arisen as to the entitlement of the petitioners for appointment on the basis of revised result and the right of the persons, appointed on the basis of earlier result, to continue in service. A query has been put to Mr. Bajwa whether a committee of senior officers headed by the Chief Secretary can consider the entire issue and take a just and fair decision under the circumstances. He submits that there is no impediment in such an exercise.

Under the circumstances, the bunch of petitions are hereby disposed of with a direction that a committee of three officers headed by Chief Secretary shall be constituted to consider the claim of the petitioners as well as related issues. A decision shall be taken within two months and the petitioners be informed accordingly. The committee would also take into consideration the consolidated affidavit filed in CWP Nos.24341 and 29601 of 2017 while arriving at its decision.”

3. Learned counsel for the petitioners further submits that petitioners herein are situated exactly in similar position, as the petitioners in CWP-21108-2017.

4. Notice of motion.

5. On advance service of copy of the petition, Ms. Anu Chatrath, Senior Advocate with Mr. P.S.Bajwa, Additional A.G. Punjab appear and accept notice on behalf of the respondent-State. She submits that the Committee, constituted pursuant to the above order dated 26.02.2019 passed by this Court, has taken its decision on the related issues and conveyed the same to the respective departments.

6. In the premise, without commenting anything on the merits of the case, the present writ petition is disposed of with a direction to the concern department to objectively consider the representation dated 15.05.2019 (Annexure P-3) as also the contentions of the petitioners raised in present writ petition by treating it as a representation and pass appropriate orders in terms of the decision taken by the Committee, in accordance with law, within a period of three months after the receipt of certified copy of this order.

7. Disposed of in above terms.

04.10.2019

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No