

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

CWP-31745-2019

Date of Decision: 02.11.2019

Ravinder Kumar

... Petitioner

vs.

State of Punjab and Others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. G.S.Nahel, Advocate,
for the petitioner.

Mr. P.S.Bajwa, Additional Advocate General, Punjab.

ARUN MONGA, J.(ORAL)

Grievance of the petitioner is qua non-consideration of his candidature for appointment to the post of Central Head Teacher despite his eligibility and being at Sr. No.49 of the merit list meant for the post of Central Head Teacher.

2. Learned counsel for the petitioner submits that persons lower in merit than the petitioner in both the category i.e. Central Head Teacher have been appointed but petitioner has been ignored ostensibly on the ground that the Degree of B.A. through distance education awarded to him from Himachal Pradesh University, Shimla which is situated outside the State of Punjab.

3. Learned counsel for the petitioner further contends that petitioner's case is squarely covered by a judgment dated 02.08.2019 rendered by this Court in CWP No.29977 of 2018 (Annexure P-13). In the premise, petitioner also submitted a representation dated 24.09.2019 (Annexure P-6) but to no avail. Hence, the writ petition.

4. Notice of motion.

5. On advance service of the petition, Mr. P.S.Bajwa, Additional Advocate General, Punjab appears and accepts notice on behalf of the respondent-State.

6. Given the nature of order being passed, there is no necessity to seek return by the respondents as no further proceedings and/or pleadings are required.

7. Learned counsel for the petitioner submits that judgment dated 02.08.2019 contained at Annexure P-13 in turn relies upon ratio rendered by a Coordinate Bench of this Court in CWP No.11049 of 2017. The earlier judgment authored by my learned brother, Jaswant Singh, J. has since attained finality, and therefore, there is no justification as to why the benefit of same be not accorded to the petitioner, contends the learned counsel.

8. In the aforesaid premise, writ petition is disposed of with a direction to the respondents to objectively consider the representation dated 24.09.2019 (Annexure P-6) which is stated to be pending and also by keeping in view the contentions stated in the present writ petition by treating it as a supplementary representation and pass a speaking order, in accordance with law.

9. Let the needful be done within a period of 60 days from the date of receipt of certified copy of this order.

10. It would be appreciated that if the respondents go through the judgment dated 02.08.2019 (Annexure P-13) read with earlier judgment dated 06.06.2019 passed in CWP No.11049 of 2017 which has concededly attained finality as not only no further intra Court appeal was preferred but the same has been implemented qua other similarly situated persons.

11. Till passing of speaking order, one post of Central Head Teacher in the category of S.C. (M&B) shall be kept vacant subject of course, the same being available as on today.

12. Disposed of in above terms.

02.11.2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No