

In the High Court of Punjab and Haryana at Chandigarh

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CWP No.33854 of 2019

.....

Date of Decision:25.11.2019

Abhishek Mittal

... Petitioners

Versus

State of Punjab and others

... Respondents

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CORAM: HON'BLE MR. JUSTICE ARUN MONGA

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Present: Mr. G.S. Thind, Advocate, for the petitioner.
Mr. Mehardeep Singh, Assistant Advocate General, Punjab for
the respondents.

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ARUN MONGA, J. (Oral)

Petitioner herein seeks issuance of writ in the nature of mandamus directing the respondents to consider his candidature for the posts of Hindi Master and Social Studies Master on the basis of Central Teacher Eligibility Test (CTET) cleared by him on 04.01.2019 (Annexure-P.3) as per the guide-lines dated 11.02.2011 issued by National Council for Teacher Education (Annexure-P.4).

2. In the premise, petitioner had submitted a representation dated 14.11.2019 (Annexure.P-10), but the same was not adverted by the respondents. Hence, the writ petition.

3. Learned counsel for the petitioner submits that similarly

[2]

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]

4. Learned counsel for the petitioner further submits that petitioner herein is 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, Mr. Mehardeep Singh, learned Assistant Advocate General, Punjab appears and accepts notice on behalf of the respondents. He 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 contentions of the petitioner 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 six weeks after the receipt of certified copy of this order.

7. Disposed of in above terms.

November 25, 2019.

(Arun Monga)

Judge

hsp

NOTE: Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No