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

CWP No.34633 of 2019
Date of Decision : 28.11.2019.

Balwan Singh and others

...Petitioners

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Parveen Chauhan, Advocate for the petitioners.

B.S.WALIA, J. (Oral)

1. Prayer in the writ petition is for the issuance of a writ of Mandamus directing the respondents to determine the inter-se merit position of the petitioners in view of the decision of this Court dated 26.03.2019, in CWP No.10534 of 2017, in case titled as Kiran Bala and others vs. State of Haryana and others.

2. Brief facts of the case leading to the filing of the instant writ petition are that the petitioners applied for the post of JBT Teacher against category No.1 (rest of Haryana) in response to advertisement Annexure P/1 dated 08.11.2012.

3. Learned counsel contends that although the petitioners name figured amongst the list of successful candidates as per order Annexure P/2 dated 27.04.2017, yet the petitioners were not appointed on account of the genuineness of the candidature of the petitioners not having been fully established, although, note 12(iv) to Annexure P/2

mentions that posts equivalent to the number of candidates whose verification was to be finalized would be left vacant. Relevant extract of note 12(iv) to Annexure P/2 is reproduced below:

12 (iv): There are some candidates whose genuineness has not yet been fully established, they are not to be offered appointment till their issues are decided substantially. Such no. of posts will be kept vacant till the verification is finished.

4. Learned counsel contends that communication Annexure P/4 dated 24.06.2019 was addressed by the Director Primary Education, Haryana, Panchkula, to all the District Primary Education Officers mentioning that CWP No.10534/2017, in case titled as Kiran Bala and others vs. State of Haryana and others and other connected writ petitions had been disposed of by the High Court by directing that seniority of the appointed candidates would relate back to their inter-se merit positions as determined by the Haryana Staff Selection Commission, however, monetary benefits would remain notional and all the District Primary Education Officers were directed to take steps with regard to the seniority of the petitioners in said writ petition in order to ensure compliance with the orders passed by the High Court. Relevant extract of the decision of the Coordinate Bench of this Court is reproduced as under:-

“Accordingly, the seniority of the appointed candidates will relate back to their inter se merit positions as determined by the Haryana Staff Selection Commission. However, monetary benefits will remain notional.”

5. Learned counsel contends that the prayer of the petitioners is only for seniority to relate back to the inter-se merit positions as determined by the Haryana Staff Selection Commission.

6. Notice of motion. Mr. Harish Rathee, Sr. DAG, Haryana, accepts notice and states that the writ petition is misconceived since the respondents themselves vide order Annexure P/4, have directed all the District Primary Education Officers to take steps to implement the decision of this Court in CWP No.10534 of 2017 vis-à-vis the seniority of appointed candidates to relate back to their inter-se merit position as determined by the Haryana Staff Selection Commission while making it clear that the monetary benefits would remain notional.

7. Learned Sr. DAG states that the petitioners have hastily invoked the jurisdiction of this Court without first having made any representation for grant of relief for counting of seniority to relate back to their inter-se merit position as determined by the Haryana Staff Selection Commission.

8. Faced with the aforementioned position, learned counsel for the petitioners prays for permission to withdraw the writ petition with liberty to file a comprehensive representation for grant of relief as is prayed for in the instant writ petition.

9. Without commenting on the merits of the claim, the writ petition is disposed of by granting liberty to the petitioners to submit a comprehensive representation with regard to the claim for seniority to relate back to their inter-se merit position as determined by the Haryana Staff Selection Commission to respondent No.2 within two

weeks from the date of receipt of certified copy of this order. In case any such representation is received by respondent No.2 within the time as stipulated above, the same shall be considered and decided in accordance with law, within four weeks thereafter.

(B.S.WALIA)
JUDGE

28.11.2019.

rajesh.k.khurana

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