

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

**CWP No.26798 of 2018
Decided On : 01.07.2019**

Rashmi

...Petitioner

versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Pankaj Garg, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Inter-alia, issuance of writ in the nature of mandamus has been sought by way of this writ petition, primarily on the ground that at the time of recruitment/advertisement for the posts of School teachers for Social Studies and English on 10.09.2017, options were taken from the candidates in respect of their place of posting. The petitioner also applied to the post of Social Studies Teacher and was duly selected and was issued an appointment letter dated 29.06.2018. The petitioner chose to be posted at Government Senior Secondary School, Khanouri, District Sangrur. However, against the option sought from the petitioner to be posted at Khanouri, without assigning any reasons, the petitioner has been posted at Jalandhar.

2. In the joint return filed on behalf of respondents No.1 and 2, it has been admitted that at the time of recruitment/advertisement, a post of Social Studies Teacher at Government Senior Secondary School at Khanouri (District Sangrur) was vacant. However, later on it

came to the notice of the department that the said post was filled owing to the promotion of another employee on 30.08.2018, as reflected from Annexure R-1/T. Accordingly, the post at Khanouri was deleted from the list of vacant stations available in District Sangrur on 26.09.2018.

3. It has been further stated that the petitioner was placed at Serial No.76 in the merit list which was drawn up for the purpose of station allotment. The other candidates who have also chosen the available station within District Sangrur (Khanouri), were placed higher than the petitioner drawn for the said purpose. The details of said persons and their serial numbers are as under :

<i>S. No./ Seniority No.</i>	<i>Name</i>	<i>Station Allotted on 26.09.2018</i>
<i>5</i>	<i>Sharanjit Kaur</i>	<i>Khandebad (Sangrur)</i>
<i>10</i>	<i>Anju Bala</i>	<i>Sangatpura (Sangrur)</i>
<i>15</i>	<i>Lovedeep Kaur</i>	<i>Maniana (Sangrur)</i>
<i>76</i>	<i>Rashmi (Petitioner)</i>	

4. Thus, Ms. Sharanjeet Kaur, who was placed at Sr. No.5 in the said merit list, also submitted an application to the department that since Govt. High School Khandebad allotted to her was not vacant. She should, therefore, be allotted some other station, was prayed by her. The petitioner had also submitted her representation to allot her Govt. Sr. Sec. Khanouri (Sangrur). To consider their inter se case, latest vacancy list was sought and it was learnt that the post at Govt. Senior Sec. School Khanouri was vacant due to non-joining of a promoted employee Sh. Jugesh Jindal, till 08.10.2018. The said vacant post was allotted to Mrs. Sharanjit Kaur who was at Sr. No.5 in the merit list as compared to the petitioner who was placed much lower at

Sr. No.76. In this background, I find no mala fide in the allotment of the stations. The action of the answering respondents is just, fair and legal and as per the seniority numbers of the candidates in the merit list.

5. In view of the above discussion and reasoning above, there is no ground to interfere under the extra ordinary writ jurisdiction of this Court.

6. Confronted with the situation, learned counsel for the petitioner submits that the above position is not factually correct as one post of Social Studies Teacher is still lying vacant and that too at Khanouri.

7. The writ petition is disposed of with a direction to the respondents that in case any post of Social Studies Teacher in the Government Senior Secondary School at Khanauri, is still lying vacant, as stated by learned counsel for the petitioner, they shall consider the case of petitioner sympathetically, in accordance with law.

(ARUN MONGA)
JUDGE

JULY 01, 2019
shalini

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No