

CWP No.37061 of 2019

Sr. No.162

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

**CWP No.37061 of 2019
Date of Decision: 19.12.2019**

Neeta Rani

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Neeraj Sharma, Advocate,
for the petitioner.

Ms.Monica Chhibber Sharma, Sr.DAG, Punjab.

ARUN MONGA, J.(ORAL)

Inter alia, issuance of writ in the nature of certiorari has been sought to quash the order dated 07.02.2017 (Annexure P-7) vide which the petitioner's claim for appointment on the post of Class-C (III) on compassionate basis has been rejected on the ground that she did not qualify the typing test conducted *qua* the same. On the face of it, the petition seems to be suffering from the vice of delay. However, learned counsel for the petitioner submits that the petitioner was not aware of instructions dated 23.12.2011 (Annexure P-10) and it is only when the same were supplied to her under RTI, she came to know that she was entitled to be given certain time period for preparation of the typing test. Despite her request to give her reasonable time to prepare for the Punjabi typing test at the relevant time, she was given merely three days and being not so fluent in Punjabi typing at that time she could not

clear the test. Learned counsel for the petitioner contends that while in the case of other similarly situated persons they have been given as long as one year to clear the typing test after offering the appointment on the post. While on the other hand, the petitioner was given merely three days time. He submits that the petitioner has in the meanwhile undergone training for Punjabi typing and is otherwise more than sufficiently qualified being MA, B.Ed. Therefore, in the interest of justice, one more opportunity may be granted to her.

2. Learned counsel for the petitioner submits that husband of the petitioner died on 28.03.2011 while working as Pump Operator.

3. Notice of motion.

4. On advance service of the petition, Ms.Monica Chhibber Sharma, Sr.DAG, Punjab, appears and accepts notice on behalf of the State.

5. 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.

6. Having perused the instructions *ibid* the impugned order dated 07.02.2017 (Annexure P-7) herein seems to have been passed by overlooking the same.

7. In the premise, the writ petition is disposed of with the direction to the competent authority to reconsider the case of the petitioner and accord her one more opportunity in accordance with the instructions (*supra*), also by keeping in view the

contentions raised in the present writ petition by treating it as a supplementary representation and pass appropriate orders thereafter.

8. Let the needful be done within a period of 3 months from the date of receipt of a certified copy of this order.
9. Disposed of in above terms.

19.12.2019
dharamvir

(ARUN MONGA)
JUDGE

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