

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
116**

CWP-2921-2020

Date of decision: 11.02.2020

MANMOHAN KAUR

...PETITIONER

V/S

STATE OF PUNJAB & OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Sunny Singla, Advocate,
for the petitioner.**

**Ms. Anju Sharma Kaushik, DAG, Punjab,
for the State.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

On the last date of hearing i.e. 03.02.2020, the vacancies/posts with regard to the Backward Class Category, as per the advertisement, for the post of Head Teacher were called for. In response thereto, a communication has been received from the office of the Director, Education Recruitment dated 07.02.2020, according to which, there is no vacancy available in the Backward Class Category.

In the light of the above, no directions can be given, as otherwise also, the claim of the petitioner is not sustainable because there is a specific clause, according to which, once a category has been filled in, the said category cannot be changed and the candidate cannot be considered in

any other category.

Counsel for the petitioner has placed reliance upon a judgment of this Court in CWP No. 26580 of 2014 titled as KirandeepKaur vs. State of Punjab and others, decided on 03.03.2015 (Annexure P-10), wherein the petitioner was permitted to change the category.

A perusal of the said judgment, especially para-12, would clearly make out a case where there is an exceptional case where post was lying vacant and there were no candidates available and in the present case, there is no post available. Another aspect was that a post was kept vacant for the said candidate as per the order of the Court which is not the position in the present case.

Finding no merit in the present writ petition, the same stands dismissed.

February 11, 2020

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No