

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

CWP NO. 8234 OF 2020 (O&M)

DATE OF DECISION : 18.06.2020

Yash Pal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr.S. K. Malik, Advocate,
for the petitioner.

Ms. Upasana Dhawan, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

The petitioners have approached this Court under Articles 226/227 of the Constitution of India to seek issuance of a writ in the nature of certiorari, quashing the order dated 24.05.2018 (Annexure P-5), whereby case of the petitioner for promotion to the post of TGT Punjabi has been rejected on the ground that she does not possess the requisite qualification of B.Ed in Punjabi. Further prayer has been made for directing the respondents to promote the petitioner in view of judgment passed by a co-ordinate Bench of this Court in *CWP No. 10054 of 2016* decided on 23.04.2019 titled as "*Mahesh Kumar v. State of Haryana and others*" (Annexure P-8).

2. Learned counsel for the petitioner submits that he also caused issuance of a legal notice dated 16.02.2020 (Annexure P-7), but the same has not been adverted till date by the respondents. Hence, this petition.

3. Notice of motion.

4. Ms. Upasana Dhawan, DAG, Haryana, who has joined the proceedings on advance service of copy of petition, 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. Without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent No.2 to objectively consider the legal notice dated 16.02.2020 (Annexure P-7) and also by keeping in view the contentions stated in the present writ petition by treating it as a supplementary representation and pass a speaking order, in accordance with law. The competent authority shall go through the judgment contained at Annexure P-8 (colly.) and record specific reasons, in the event it is felt that the same is not applicable.

7. Let the needful be done within a period of one month from today.

8. Disposed of in above terms.

(ARUN MONGA)
JUDGE

18.06.2020
shalini

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No