

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

108

CWP No.8950-2020.

Date of Decision: 01.07.2020.

Vikas Dahiya

....Petitioner.

Versus

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Jasbir Mor, Advocate for petitioner.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This Civil Writ Petition under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Mandamus directing respondents to allot Sonipat District permanently to the petitioner of his choice for the post of Primary Teacher with further direction to respondents to consider representation dated 17.06.2020 for his transfer.

Learned counsel for petitioner contended that the petitioner was selected and appointed as per his merit on the post of JBT. In the advertisement for the selection itself, the candidates were required to give options for their posting; in case of their selection. The petitioner though had given option, however, at Serial No.1 in the option in his application form, he had wrongly mentioned District Yamuna Nagar in place of District

Sonipat. This mistake had occurred due to the fault of the Cyber Cafe

operator, from where the petitioner had uploaded his application form. However, after getting the print out of the same, the petitioner had realized the mistake committed by the Cyber Cafe operator. Accordingly, he had immediately made a representation 10.12.2012 (Annexure P/3) to respondent No.5 for change of his option from District Yamuna Nagar to District Sonipat and then representation dated 25.04.2017 (Annexure P/7) to respondent No.2. Subsequently, the petitioner has been selected and appointed. He has been appointed in District Yamuna Nagar without making corrections in his option. The corrected option submitted by him was District Sonipat. In District Sonipat, persons lower in merit to the petitioner have been allocated and appointed; and some posts are still lying vacant. Accordingly, it is submitted that if the respondents correct the option of the petitioner from District Yamuna Nagar to District Sonipat, then he is entitled to be allocated to District Sonipat. The counsel has also relied upon the judgment of this Court in **CWP No. 31823 of 2019 titled Monika Kumar and others v. State of Haryana and another, decided on 2.11.2019** to substantiate his case. He has further submitted that he has already submitted his representation dated 18.06.2020 to respondent No.2; for considering his case; in view of the above judgment of this Court, which is attached at Annexure P/16, but still no action has been taken.

Notice of motion.

Mr. Pawan Kumar Longia, Deputy Advocate General, Haryana, accepts notice on behalf of respondents. Complete copy of paper book has been supplied to him.

In view of above, the present petition is disposed of with the direction to respondent No.2-Director of Elementary Education. Haryana, Shiksha Sadan, Sector-5, Panchkula, to look into and decide representation dated 18.06.2020 (Annexure P/16) by passing a speaking order in accordance with law and that too within eight weeks positively from the date of receipt of copy of this order.

(LALIT BATRA)
JUDGE

01.07.2020

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No