

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
114 (PROCEEDINGS THROUGH V.C.)**

CWP-9324-2020

Date of decision: 07.07.2020

BABITA RANI

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Vikram Sheoran, Advocate,
for the petitioner.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Counsel for the petitioner contends that the claim of the petitioner is that despite the petitioner being higher in merit than the other candidates and having opted the station of her choice as District Jhajjar, the claim of the petitioner was not considered for the said district and she was posted in District Faridabad. He contends that the petitioner has a better right as compared to the person who is lower in merit and, therefore, should have been posted in the place of her option as per the request made. He contends that the posting of the petitioner in a different district although the petitioner had a better right as compared to the person who was lower in merit, is not sustainable. Reliance has been placed upon the directions issued by this Court in CWP No. 31823 of 2019 titled as Monika Kumari and others vs. State of Haryana and another, decided on 02.11.2019

(Annexure P-5).

Counsel contends that the petitioner, at this stage, would be satisfied if a direction is issued to the Director Elementary Education, Haryana-respondent No. 2 to consider and decide the legal notice dated 25.02.2020 (Annexure P-7) submitted by her through counsel within some specified time.

Notice of motion.

On the asking of the Court, Mr. Sanjay Mittal, Addl. A.G. Haryana, accepts notice on behalf of the respondents.

Counsel for the State could not oppose the prayer made by the counsel for the petitioner for decision on the legal notice submitted by the petitioner dated 25.02.2020 (Annexure P-7).

In the light of the above, without going into the merits of the case or commenting thereon, the present petition is disposed of with directions to the Director Elementary Education, Haryana-respondent No. 2 to consider and decide the legal notice dated 25.02.2020 (Annexure P-7) submitted by the petitioner within a period of two months from the date of receipt of certified copy of the order by affording an opportunity of hearing to the petitioner and taking into consideration the judicial precedent. In case of non-consideration of the claim of the petitioner within the time stipulated, cost amounting to ₹5,000/- shall be payable to the petitioner by respondent No. 2.

July 07, 2020

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No