

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

125

CWP-9915-2020

Date of decision: 16.07.2020

Sumit and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ankit Chahal, Advocate for the petitioners.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioners have filed present petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus to direct the respondents to allocate the petitioners permanent place of posting for the post of the Primary (PRT) Teacher as per the options taken by the respondents from them and to transfer the services of the petitioners in the Districts as per the options given by them. The petitioners have also prayed for issuance of further directions to the respondents to consider the representation of the petitioners on parity with the case of the similarly situated candidates in CWP No.31823 of 2019 as the same benefit has already been granted to the petitioners therein.

Learned Counsel for the petitioners has submitted that the petitioners were selected for the post of Primary Teacher (PRT) and were offered appointment by respondent No.2. The post of PRT is that of District cadre and the Department had taken options giving preference for six Districts from all the candidates at the time of submitting the applications and counseling. The petitioners had given their options accordingly and they are entitled to allocation of District as per their choice in accordance with their merit. The petitioners have been given posting in Districts far away from their residence and places of their choice whereas persons who are lower in merit as compared to

them have been allocated Districts of their choice. Similarly situated candidates had filed CWP No.31823 of 2019 which was allowed by this Court vide order dated 02.11.2019 with directions to the respondents consider their legal notice/representation within a period of two months keeping in view availability of posts in the options given by the petitioners therein.

Learned Counsel for the petitioner has accordingly prayed that respondent No.2-the Director, Elementary Education, Haryana may be directed to consider the legal notice/representation of the petitioners.

Notice of motion.

Mr. Pawan Longia, DAG, Haryana has accepted notice on behalf of the respondents.

Copy of the paper book has already been supplied to learned State Counsel.

Learned State Counsel has no objection if the petition is disposed of with a direction to respondent No.2 to dispose of the legal notice/representation of the petitioners.

In view of the facts and circumstances of the case but without meaning to comment on merits in any manner, the petition is disposed of with a direction to respondent No.2-the Director, Elementary Education, Haryana to look into the matter and to dispose of the legal notice/representation dated 25.06.2020 (Annexure P-6) of the petitioners in accordance with law by way of passing a speaking order expeditiously, preferably within a period of one month from the date of receipt of a copy of this order, keeping in view the availability of posts in the Districts of their choice as per their merit in comparison to other selected candidates.

A copy of this order be supplied to learned State Counsel and be also sent to respondent No.2-the Director, Elementary Education, Haryana through e-mail for information/requisite compliance.

16.07.2020

kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No