

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

CWP-9966-2020 (O&M)

Date of decision : 23.07.2020

Harjinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parvesh K. Saini, Advocate for the petitioners.

Mr. Navdeep Chhabra, DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

The petitioners have filed the present writ petition under Article 226/227 of the Constitution of India with the following substantive prayers:-

“i) to issue a appropriate writ, order or direction especially in the nature of mandamus directing the respondents no.2 to carry forward the backlog of Masters/Mistresses posts in Ex-serviceman category by including the same in the ongoing selection process of Masters/Mistresses published vide Advertisement dated 28.02.2020 (Annexures P-8 and P-9) as same is mandatory as per provisions of the “Punjab Recruitment of Ex-servicemen Rules, 1982” (Annexure P-1 published 02.02.1982) and in view of the fact that similar benefit has been granted by the respondent No.2 to other reserved category candidates by including backlog posts of S.C., OBC, handicaps etc. vide Public notices dated 23.06.2020 (Annexure P-12 & P-13), in the present selection process; AND/OR

ii) To issue a writ in the nature of certiorari, for quashing the impugned action of the respondent No.2 whereby, respondent No.2 published the posts of Masters/Mistress vide advertisement dated 28.02.2020 (Annexure P-8 and P-9) without following the principle of carry forward for the

backlog posts of Masters/Mistresses in Ex. Servicemen category which is contrary to "Punjab Recruitment of Ex-servicemen Rules, 1982" (Annexure P-1 published 02.02.1982)."

Keeping in view the prayer made, a copy of the petition was handed over to the Deputy Advocate General, Punjab, to get complete instructions and assist this Court.

Mr. Navdeep Chhabra, DAG, Punjab, had sent through an E-mail, a communication forwarded by the Director of Public Instructions (S.E.), Punjab dated 22.07.2020. The operative part whereof reads as under:-

"With reference to your office letter memo No.12/98-2020 RD (3) dated 20.07.2020 on the subject cited above regarding the Backlog of Exserviceman category in Master Cadre 3294 Posts, it is hereby informed that the exercise to calculate the actual backlog of Exserviceman category in 3294 Posts Advt. dated 23.06.2020 in accordance with the applicable rules is under process. It would take one week to complete the same and process it further for issuance of a corrigendum to that effect. Accordingly, a request may be made before the Hon'ble Court and short adjournment may be sought."

Keeping in view the aforesaid facts, the present writ petition is disposed of, at this stage, with the liberty to the petitioners to file a fresh petition, if they still feel aggrieved after the exercise is carried out by the Director of Public Instructions (S.E.), Punjab.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid order.

23.07.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No