

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

123

Civil Writ Petition No.10161 of 2020
Date of Decision: July 20th, 2020

Suman and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gautam Kailey, Advocate
for the petitioners.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Counsel for the petitioners contends that the claim of the petitioners is that despite the petitioners being higher in merit than the other candidates and having opted the station of their choice, the claim of the petitioners was not considered for the district of their choice and they were posted in other district. He contends that the petitioners have a better right as compared to the persons, who are lower in merit and, therefore, should have been posted in the place of their option as per the request made. He contends that the posting of the petitioners in different districts, although the petitioners had a better right as compared to the persons, who were 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-4).

Counsel contends that the petitioners, 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 representations dated 16/17.03.2020 (Annexure P-6) submitted by them through counsel within some specified time.

Notice of motion.

On the asking of the Court, Ms. Deepa Singh, Additional Advocate General, Haryana, accepts notice on behalf of the respondents.

Counsel for the State could not oppose the prayer made by the counsel for the petitioners for decision on the representations dated 16/17.03.2020 (Annexure P-6) of the petitioners.

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 representations dated 16/17.03.2020 (Annexure P-6) submitted by them through counsel 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 petitioners and taking into consideration the judicial precedent.

In case of non-consideration of the claim of the petitioners within the time stipulated, cost amounting to ₹1,000/- shall be payable to the each of the petitioners by respondent No.2.

July 20th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No