

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

115

CWP-11428-2020

Date of decision: 10.08.2020

Poonam Rani

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Raje Ram Kaushik, Advocate
for the petitioner.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has 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 decide the representation dated 20.10.2019 (Annexure P-7) of the petitioner in the light of judgment dated 02.11.2019 passed in CWP No.31823 of 2019 filed by similarly situated persons.

Learned Counsel for the petitioner has submitted that the petitioner was selected for the post of Primary Teacher (PRT) and was 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 petitioner had given her options accordingly and she is entitled to allocation of district as per her choice in accordance with her merit. The petitioner has been given posting in district far away from her residence and places of her choice whereas persons who are lower in merit as compared to her 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 consider their 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 further submitted that respondent No.2-Director Elementary Education, Panchakula, Haryana may be directed to consider the representation of the petitioner.

Notice of motion.

Pursuant to supply of advance copy of the petitioner, Mr. Sharad, Aggarwal, AAG, Haryana has appeared and accepted notice on behalf of the respondents.

Learned State Counsel has no objection if the petition is disposed of with a direction to respondent No.2 to dispose of the representation dated 20.10.2019 (Annexure P-7) of the petitioner.

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-Director, Elementary Education, Panchkula, Haryana to look into the matter and to dispose of the representation dated 20.10.2019 (Annexure P-7) of the petitioner in accordance with law by passing a speaking order expeditiously, preferably within a period of three months from the date of receipt of a copy of this order, keeping in view the availability of posts in the districts of her choice as per her 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-Director, Elementary Education, Panchkula, Haryana through e-mail for information/requisite compliance.

10.08.2020

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(ARUN KUMAR TYAGI)
JUDGE

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