

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11422-2020

Date of Decision : 07.08.2020

Roshan Lal

....Petitioner

Versus

State of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Jasbir Mor, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Articles 226/227 of the Constitution of India is for the issuance of a writ of Mandamus for directing the respondents to appoint and allow the petitioner to join duty as Primary Teacher in the office of District Elementary Education Officer, Sirsa, against advertisement No.2/2012 dated 08.11.2012, in view of recommendation of the name of the petitioner for appointment by the respondent authority on regular basis or in the alternate on ad-hoc basis and grant him all consequential benefits accruing thereon.

3. At the very outset, learned counsel for the petitioner states that the petitioner has served legal notice Annexure P/20 dated 27.06.2020, but the same has not been decided till date and that in the circumstances, the petitioner would be satisfied, if the writ petition is disposed of by directing respondent No.2 to consider and decide the claim as made in legal notice

Annexure P/20 dated 27.06.2020, in accordance with law in a time bound manner.

4. Notice of motion to respondent No.2 only.

5. Mr. Hitesh Pandit, Addl. AG, Haryana, accepts notice on behalf of respondent No.2 and states that the petitioner had been given an option vide Annexure P/16 dated 20.03.2020 to submit joining by 08.04.2020 but in view of the petitioner not joining, the writ petition is misconceived.

6. Faced with the aforementioned situation, learned counsel for the petitioner states that due to circumstances prevailing on account of Corona Virus pandemic and lockdown across the country, the petitioner had submitted his consent to respondent No.2 for joining via email Annexure P/17 dated 08.04.2020, but was unable to join due to lockdown. Thereafter, respondent No.2 issued another notice Annexure P/18 dated 05.05.2020 that those candidates who had not joined upto 09.04.2020, could be allowed to join after obtaining permission from the Directorate and that in pursuance thereof, the petitioner submitted representation Annexure P/19 dated 03.06.2020, to respondent No.2, but the same has not been decided till date and that in the circumstances, the petitioner would be satisfied if the writ petition is disposed of by directing respondent No.2 to consider and decide representation Annexure P/19 dated 03.06.2020/ legal notice Annexure P/20 dated 27.06.2020, in accordance with law, in a time bound manner.

7. Mr. Hitesh Pandit, Addl. AG, Haryana, states that he has no objection to the aforementioned limited prayer of learned counsel for the petitioner.

8. Accordingly, in the light of the position as noted above and without commenting on the merits of the controversy or the entitlement of the petitioner to the relief claimed, the writ petition is disposed of by directing respondent No.2 to consider and decide the claim as made in representation Annexure P/19 dated 03.06.2020/ legal notice Annexure P/20 dated 27.06.2020, in accordance with law, by taking into account all aspects of the matter within one month from the date of receipt of certified copy of this order.

(B.S. Walia)
Judge

August 07, 2020

'ps/rajesh

<i>Whether speaking/ reasoned</i>	<i>:</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>:</i>	<i>Yes/No</i>