

CWP No.13683 of 2020

Date of Decision : 07.09.2020

Kirti Verma and others

...Petitioners

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Dalbir Singh, Advocate for the petitioners.

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. Learned counsel for the petitioners contends that the prayer in the writ petition is for the issuance of a writ of Mandamus for directing the respondents to allow the petitioners to continue on their respective posts / seats, till appointment of regular incumbents are made.

3. Notice of motion.

4. Mr. Vivek Chauhan, Addl. A.G., Haryana, accepts notice and states that although the petitioners have sought a mandamus, yet demand in writing has not been made for grant of relief prayed for which is sine-qua-non for the issuance of a writ of mandamus and that in the circumstances, in view of the decision in '**Surya College of Education versus Chaudhary Devi Lal University, Sirsa and another**', 2013(4) SCT 393, the writ petition is liable to be dismissed with liberty to the petitioners to approach the respondents.

5. Faced with the aforementioned situation, learned counsel for the petitioners prays for permission to withdraw the writ petition, with liberty to make a representation to the respondents in respect of the

grievances, which are the subject-matter of the writ petition, with a direction being issued to the respondents to decide the representation on receipt, in accordance with the decision of this Court, dated 05.05.2016 in CWP No.9300 of 2015, in case titled as 'Mrs. Menka and others versus State of Haryana and others' & dated 14.03.2019 in CWP No.25505 of 2018 in case titled as 'Rani Kumari versus State of Haryana and others'.

6. Learned Addl. A.G., Haryana, states that he does not oppose the aforementioned limited prayer of learned counsel for the petitioners.

7. According, without commenting on the merits of the controversy or the entitlement of the petitioners to the relief claimed, the writ petition is **disposed of**, with liberty to the petitioners to submit a representation to the concerned respondents under whom they are working within one week from today with a direction to the respondents concerned to decide the representation on receipt, in accordance with law, after taking into account all aspects of the matter, including the decisions relied upon in the case the same are applicable, as expeditiously as possible, preferably within a period of 04 weeks from the date of receipt of certified copy of this order. Till such time, that a decision is taken on the representation to be submitted by the petitioners and for a period of 01 week after communicating the decision to the petitioners, *status quo* as exists on date be maintained to enable the petitioners to avail their remedy in accordance with law in case they are aggrieved with the decision on their representation.

September 07, 2020

'Rajneesh-Amit'

(B.S. Walia)
Judge