

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

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**CIVIL WRIT PETITION NO.1054 OF 2018
DATE OF DECISION: MARCH 18, 2020**

Sukhjinder Singh

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ravi Kant Sharma, Advocate,
for the petitioner.

Mr. Vikas Mohan Gupta, Addl.Advocate General, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 03.03.2020, when the case came up for hearing, following
order was passed:-

*“ Petitioner has approached this Court praying for
issuance of the appointment letter against the post which was
advertised but has not been filled up despite offers made to the
candidates, who were higher in merit to the petitioner.*

*It is an admitted position that out of the 162 advertised
posts for the Blind JBT, ETT (Music), 14 seats were not filled
up. The waiting list, which contained 19 candidates, was put
into use and 14 candidates of the waiting list were offered
appointment. In pursuance thereto, candidates at Sr. Nos.13*

and 14 of the waiting list did not opt for joining the post. One of the candidates at Sr. No.13 gave an affidavit that he is not interested because of the family circumstances and, therefore, he had no objection if appointment is given to some other candidate, leading to two vacancies being available. Petitioner, being the 16th candidate with one vacancy available, put forth his claim for appointment, which has been rejected on consideration vide the impugned order dated 22.12.2017 on the ground that the waiting list operates for six months after the selection process has concluded. It has been asserted that the process for selection and appointment of 162 Blind Music Teachers stood completed on 26.10.2016 and thereafter because of the coming into force of the election code in January 2017 because of the declaration of the Assembly Elections in the State of Punjab, the process for filling up of the posts was deferred, which was again operationalized in May 2017. The basic reason for not considering the claim of the petitioner/declining the same for appointment to the post of Music Teacher (Blind) is the instructions dated 22.03.1957 (Annexure R-1).

Perusal of the said instructions would show that it would apply to the recommendations/selection made by the Punjab Public Service Commission. It is an admitted case that in the case of the petitioner, the recommendation/selection has not been done by the Punjab Public Service Commission and, therefore, these instructions would not be applicable to the

case in hand. Reliance thereon is, therefore, not sustainable.

Counsel for the State prays for a short adjournment to seek instructions in the light of the above.

Adjourned to 18.03.2020.

To be shown in the urgent list.”

In pursuance of the said order, a communication has been received from the Director, Public Instructions (Elementary Education), Punjab, wherein it has been mentioned that the Department is following the instructions dated 22.03.1957 (Annexure R-1).

The plea, which has been taken by the respondent Department, is not acceptable in view of the order dated 03.03.2020 passed by this Court.

In the light of the above, the present writ petition is allowed. Respondents are directed to issue appointment letter to the petitioner forthwith. He shall be entitled to the notional consequential benefits.

March 18, 2020
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(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No