

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

**CWP No.21557 of 2016 (O&M)
Date of Decision: 24.02.2020.**

Amandeep Kaur

....Petitioner.

Versus

State of Punjab and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Argued by: Mr. G.S. Brar, Advocate for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

Suvir Sehgal, J.

Prayer in the instant writ petition is for issuance of writ in the nature of certiorari for quashing the impugned letter dated 20.01.2016 (Annexure P4) vide which her candidature for the post of Punjabi Mistress was rejected. She has further sought a writ of mandamus for directing respondents No.1 and 2 to consider and offer her the post of Punjabi Mistress in Backward Class/Dependent of Ex-serviceman category as per Rules and Regulations.

Facts, in brief, are that the petitioner had applied for the post of Punjabi Mistress in Backward Class (Ex-serviceman) category in September 2009. She was called for counseling on 07.07.2011 at Mohali, which she attended along with requisite certificates. She claims that she belongs to

'Khati' caste which is a Backward caste in the State of Punjab and she had been issued Backward Class Certificates dated 16.12.2008 (Annexure P1) and dated 15.02.2011 (Annexure P2) by the Tehsildar, Sri Muktsar Sahib. She also has a Lineal Descendent Certificate dated 19.05.2011 (Annexure P3) and falls in the category of Dependent of Ex-serviceman. She claims that she did not get any response from the respondents for years together despite numerous visits. Eventually, on her insistence, respondent No.2 issued her the impugned letter dated 20.01.2016 (Annexure P4), whereby her candidature was rejected.

In their reply, respondents No.1 and 2 submitted that advertisement dated 23.09.2009 was issued, inviting applications for 1200 posts of Punjabi Master/Mistress to be filled on contractual basis by the Department of School Education, Punjab. The last date for submission of the applications was 09.10.2009. The petitioner was applicant for the post of Punjabi Mistress in the Backward Class (Ex-serviceman Dependent) category. One of the conditions of the advertisement was that the requisite certificates of Backward Class and Ex-serviceman category should have been issued within a period of one year prior to the last date of the application, but the petitioner had produced Backward Class Certificates dated 15.02.2011 (Annexure P2) and Lineal Descendent Certificate dated 19.05.2011 (Annexure P3) which have been issued after the cut off date. Therefore, her application was considered in the General category but her merit was way lower than the last selected candidate.

Counsel for the parties have been heard and record has been perused with their able assistance.

One of the necessary conditions mentioned in the advertisement dated 23.09.2009 was condition No.6 which is reproduced as under:-

“The certificate of B.C. is to be within one year from the last date of submission of applications and certificates should be in terms of the letter No.1/41/93-RSI/209 dated 24.02.2009 issued by the Department of Welfare, Punjab Government.”

The requirement of the condition was that the Backward Class Certificate should have been issued within a period of one year prior to the date of the advertisement. During the time of counseling, the petitioner, however, produced Backward Class Certificates dated 15.02.2011 (Annexure P2) and Lineal Descendent Certificate dated 19.05.2011 (Annexure P3) before the Selection Committee. It is, therefore, clear that she did not meet the requirement as laid down in the above reproduced condition. It is not her case that she had produced the Backward Class Certificate dated 16.12.2008 (Annexure P1) which she has attached with the writ petition. Rather, her stand in the writ petition is that the certificate Annexure P1 was not in her possession. Even the Lineal Descendent Certificate dated 29.09.2009 (Annexure P6), which she had placed on the record subsequently by way of an application, was not in her possession when she submitted the application. A perusal of this certificate shows that this certificate had been issued by the District Sainik Welfare Officer, Muktsar to enable the applicant to apply for the post of B.Ed Teacher and not for the post of Punjabi Mistress. As such, certificate Annexure P6 is of no help to the petitioner.

In such a situation, the respondents then considered her application in the General category. However, marks that she obtained were 51.4758, which were much lower than the marks obtained by the last selected candidate in the General category i.e. 61.9697 marks. Therefore, the petitioner could not be selected. Still further, respondents have pointed out that the selection process in pursuance to the advertisement dated 23.09.2009 was closed in the year 2012 and the waiting list which was issued for the selection was also cancelled on 09.08.2013. After closing the selection process, the department advertised a total of 5178 posts of various subjects of Master/ Mistress, including the posts of Punjabi Master/Mistress, in the year 2012 and then later by subsequent advertisements in the years 2015 and 2017.

Taking a cumulative view of all the above facts, no relief can be granted to the petitioner. Consequently, writ petition is dismissed with no order as to costs.

(SUVIR SEHGAL)
JUDGE

24.02.2020

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