

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101

DATE OF DECISION: JANUARY 28, 2020

(1) Civil Writ Petition No.22204 of 2017

Sandeep Malhi

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

(2) Civil Writ Petition No.22739 of 2017

Sandeep Kaur

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

(3) Civil Writ Petition No.22754 of 2017

Poonam Kaur

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

(4) Civil Writ Petition No.23743 of 2017

Kirpa Rani

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

(5) Civil Writ Petition No.24778 of 2017

Tania

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

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

Present: Mr. R. K. Arora, Advocate
for the petitioner. (in CWP No.22204 of 2017).

Mr. Arvind Galav, Advocate,
for the petitioner. (in CWP Nos.22739 of 2017 &
22754 of 2017).

Mr. Sameer Sachdeva, Advocate,
for the petitioner. (in CWP No.23743 of 2017).

None for the petitioner in CWP No.24778 of 2017.

Ms. Monica Chhibber Sharma, Sr.DAG, Punjab,
for the State.

Mr. Sunil Kumar Bansal, Advocate,
for respondent No.4. (in CWP No.22204 of 2017)

Mr. Parveen K. Kataria, Advocate,
for respondent No.4. (in CWP No.22754 of 2017)

Ms. Sonia G. Singh, Advocate,
for respondent No.4 (in CWP No.23743 of 2017).

AUGUSTINE GEORGE MASIH, J. (ORAL)

On the last date of hearing, following order was passed:-

“ *Having considered the submissions made by the learned counsel for the parties and keeping in view the categoric stand of the official respondents in the reply that there are no rules/instructions which empower the Director Public Instructions (Secondary Education), Punjab to delete the names of the candidates from the select list/waiting list who did not participate in the process of allotment of stations as per the public notices issued by the Director Public Instructions (Secondary Education), Punjab as also irrespective of the stand taken by the respondents, the public notice dated 20.09.2017 (Annexure P-18), whereby it has been stated that the candidates, who were called to receive the offer of appointment on 05.09.2017 as per Annexure P-16, were given another opportunity to contact the offices of the Director Public Instructions (Secondary Education), Punjab to receive the offer letters which is clearly violative of Article 14 of the*

Constitution of India as it is a special chance given to a particular set of candidates ignoring the candidates who were admittedly higher in merit including the petitioners, the stand of the respondents cannot be accepted and is, hereby, rejected.

Keeping in view the admitted fact that the petitioners are higher in merit and are, thus, entitled to appointment to the post of Master in the category to which they belong, the competent authority shall issue the appointment letters to the petitioners within a period of two weeks from today.

List on 28.01.2020.

Let the compliance report be submitted in this Court on the said date, failing which, the Director Public Instructions (Secondary Education), Punjab, shall be present in Court to explain non-compliance of the order passed by this Court.

To be shown in the urgent list.

Photocopy of this order be placed on the files of connected cases.”

In pursuance of the abovesaid order, compliance report has been submitted by the Assistant Director (School Administration II), office of the Director, Public Instructions (Secondary Education), Punjab, dated 27.01.2020. According to the said compliance report, the orders have been complied with qua petitioners in all the writ petitions except for petitioner in Civil Writ Petition No.24778 of 2017 titled as 'Tania Vs. State of Punjab and others'. Qua petitioner, Tania, it has been stated that she has refused to accept the offer of appointment and has submitted an application to the Department in this regard.

In the light of the above and keeping in view the compliance report dated 27.01.2020, all the writ petitions, except Civil Writ Petition No.24778 of 2017, are disposed of with an observation that the petitioners would be entitled to all consequential notional benefits, treating them to have been in service from the date persons lower in merit than the petitioners were issued the appointment letters. Petitioners shall, however, be entitled to the financial benefits with effect from the date of their joining.

Since petitioner Tania in Civil Writ Petition No.24778 of 2017 has refused to accept the appointment letter at this stage, she would not be entitled to any benefits and the writ petition i.e. Civil Writ Petition No.24778 of 2017 is dismissed.

January 28, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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