

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

CWP-6811-2021

Date of Decision: 24.03.2021

POONAM DEVI

...Petitioner

Versus

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sajjan Singh, Advocate,
For the petitioner.

Ms. Mamta Talwar, DAG, Haryana.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Long and short of the controversy herein is, that the State Government allotted district cadres to the selected JBT Teachers in accordance with their merit vis-a-vis the choices made by them, and the petitioner, who claims to be more meritorious than the others who have been allotted district Jind, which even though she too had opted, but her request did not find favour. Notwithstanding the fact, that the candidates much lower in merit than her have been allotted Jind cadre/district. Order dated 09.10.2020 (Annexure P-9), assailed herein, rejecting her request, though on first flash seems to be speaking, but is least explanatory qua the non-according of merit, to say the least. The narrative given in the impugned order reflects more of a historical rhetoric, rather than reasoning.

2. Be that as it may, the impugned order does not reflect as to why petitioner has not been given benefit of her merit. She is admittedly at Sr. No.1384 as against other candidates at Sr. Nos.8307,6302, 5232, 4126,

3953, 3858, 3695, 3662, 3632, 3612, 3571, 3553-E, 3544, 3495, 3172, 2969-B, 2969-A and 2119-A, who have been allotted Jind district.

3. Learned counsel for the petitioner contends that without disturbing the other candidates at Jind, regardless of their merit, the petitioner can still be accommodated there, as per her request, since the vacancies of JBT teachers are currently still available at Jind.

4. Notice of motion.

5. Ms. Mamta Talwar, DAG, joins proceedings on advance service and accepts notice on behalf of the respondent-State of Haryana. She seeks time to get instructions.

6. Till seeking of instructions by the state counsel, one post of JBT Teacher shall be kept vacant in District Jind.

7. At this stage, amidst the dictation of the instant order, learned State counsel seeks a pass over to get instructions, so as to obviate any confusion that may be caused by virtue of aforesaid interim observations made by this Court.

8. Pass over. To be taken up at the end of the board after finishing second round.

9. Matter has again been taken up in the second round. The learned State counsel, under instructions, submits that for the purpose of District Cadre Jind afresh counselling shall be conducted by the competent authority, after seeking fresh options of all the eligible candidates. And thereafter, fresh posting/allocation in the district cadre of Jind shall be made.

She submits that petitioner is at liberty to apply afresh for the proposed counselling.

10. In view of the aforesaid submissions of the learned state counsel, writ petition is disposed of with liberty to the petitioner to apply for the proposed counselling, as and when the same is notified.

11. It is expected of the official respondents to carry out the counselling as expeditiously as possible, but not later than three months from today.

12. In the parting, I may hasten to add here that it is expected of the official respondents to give full credit to the merit list prepared by them and entertain requests of the candidates strictly in accordance with their merit, to avoid any further needless litigation.

13. Interim order passed in the first round has though been noted as part of the instant proceedings, but it is made clear that the same stands vacated.

14. Disposed of with above observations.

March 24, 2021

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No