

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

**101 (PROCEEDINGS THROUGH V.C.)**

**CM-9672-2021 in/and RA-CW-154-2021 in CWP-4998-2012**

SHINDER SINGH AND ANOTHER  
VS.  
STATE OF PUNJAB AND OTHERS

Present: Ms. Alka Chatrath, Advocate  
for the applicant-petitioners.

This Review Application has been filed for reviewing/modifying the order dated 11.02.2020 passed by this Court in the writ petition, which had been preferred by the applicant-petitioners.

One of the grounds, which has been pressed into service is that the affidavits dated 03.05.2017 and 18.07.2019, which had been filed by the District Education Officer, Moga, are against the facts. It is asserted that according to the affidavit dated 03.05.2017, a public notice was published, whereby the counselling process for filling up 1133 posts was conducted on 13.12.2011 in all districts on the basis of the combined merit. It is asserted that the said aspect is not borne out from the record nor is it found to be correct with regard to the assertion that the combined merit list of male and female candidates was prepared not only in District Moga but in other districts as well leading to the posts of handicapped categories being filled up on merit. On this basis, counsel has asserted that the order, which has been passed by this Court, under review, needs to be appropriately modified and directions issued to the respondents or action taken against the District Education Officer, Moga.

Assuming what the counsel for the applicant-petitioners asserts is correct, that would not make much of a difference for the simple reason

PUNEET SACHDEVA  
2021.08.23  
I attest to the authenticity and  
accuracy of this document

that the judgment passed by a Division Bench of this Court in

**CWP No.12275 of 2000** titled as **Neelam Rani Versus State of Punjab**, dated 08.01.2010, which is applicable to even the selection process in question, makes it mandatory that a joint merit list of male and female candidates had to be prepared and on that basis, appointments were to be made. In case the other districts have not complied with the said judgment that does not give a cause of action to the applicants whose claim against the posts in District Moga was duly considered in accordance with the judgment of this Court in Neelam Rani's case (supra).

As regards the contention of counsel for the applicants that in an earlier writ petition, which had been preferred by the applicant-petitioners i.e. **CWP No.13611 of 2010** titled as **Pargat Singh and others Versus State of Punjab and others** decided on 19.05.2011 (Annexure A-2), directions were issued to consider the petitioners for appointment against the unfilled handicapped vacancies subject to the condition that these are still existing, counsel for the applicants has said that not only the claim of the petitioners was considered against the available posts but other persons also in the combined merit list were called for and considered against the said posts, whereas it was restricted only to the petitioners.

This contention of learned counsel for the applicants is also not acceptable as the operative part of the order dated 19.05.2011 (Annexure A-2) reads as follows:-

*“In view of the above, this petition is allowed in terms of the aforementioned judgment and the respondents are directed to consider the petitioners for appointment against the unfilled handicapped vacancies subject to the condition that these are still existing.”*

A perusal of the above would show that the Court had not used the word 'only' after the word 'petitioners' in its direction. What has been said and intended was that the claim of the petitioners be considered for appointment against the unfilled handicapped vacancies. That does not mean that the candidates, who are higher in merit than the petitioners were to be not considered at all. It is not the case of the applicants that their claim was not considered in pursuance to the directions issued by this Court on 19.05.2011 but the fact is that they were found to be lower in merit as compared to the other candidates. Therefore, this contention also cannot be accepted.

As regards the other aspects, which have been pointed out by the counsel for the applicants on the basis of the information, which has been received by the applicants under the Right to Information Act and has been sought to be placed on record as Annexures A-4 to A-15, all these documents were not available with the Bench when the case was heard nor was it a part of the record or pleadings, therefore, the said documents cannot be now taken into consideration in a Review Application.

In the light of the above, I do not find any ground for accepting the prayer as made in the application for review and, therefore, reject the same.

The application, thus, stands dismissed.

In the light of the dismissal of the Review Application, no orders are required to be passed in CM No.9672 of 2021.

**August 20<sup>th</sup>, 2021**  
*Puneet*

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**