

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

CWP-17337-2020 (O&M)
Date of decision: 20.04.2021

UPASANA

...Petitioner

Versus

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Jai Bhagwan Sharma, Advocate for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

Mr. Kanwal Goyal, Advocate for the respondent.

ANIL KSHETARPAL, J.

The petitioner prays for issuance of a writ in the nature of certiorari to set aside the notification dated 25.06.2020 displaying the criteria for reallocation of place of posting of the Assistant Block Resource Coordinators (for short 'ABRC').

The Haryana School Shiksha Paryojna Prishad invited applications for filling up 1207 posts of ABRC on contract basis initially for a period of one year with a provision for extension on yearly basis. The respondent was initially running the Sarv Shiksha Abhiyan and the Rashtriya Madhyamik Abhiyan. The aforesaid two schemes were merged into the Samagra Shiksha. After the written test was held, the petitioner found place in the selected list. The candidates were allowed to give options for allocating the place of posting. A criteria was worked out. According to the aforesaid criteria, the place of posting was allocated. Thereafter, various

writ petitions were filed in the High Court with the grievance that the selected candidates have not been given the place of posting in accordance with their choice. In CWP No.514 of 2020, the Project Director gave a statement that the Department will call for options within 2-3 months and reconsider the allotment of the stations/Districts. In the meantime, certain fresh candidates came to be appointed on account of various further steps being taken. Thus, vide a notification dated 25.06.2020, the respondent issued a fresh criteria for allocating the place of posting. The aforesaid criteria as notified is extracted as under:-

(a) Weightage of marks scored by the candidates:-

<i>Sr. No.</i>	<i>Major factor</i>	<i>Criteria for calculation</i>
1	Weightage for aggregate marks obtained	Equal to marks obtained out of 100 marks

(b) The second set of merit points will come from the special factors enumerated herewith:-

<i>Sr. No.</i>	<i>Major factor</i>	<i>Sub-factor</i>	<i>Max. points</i>	<i>Criteria for calculation</i>
1	Gender	Female	5	Max 5 points shall be given to all female ABRCs/BRPs
2	Special category female ABRCs/BRPs	Widow/divorce woman/legally separated woman	10	All female of this category shall be given maximum 10 marks only. She will submit the legal proof regarding claim of sub-factor
3	Differently abled persons	Vision	20	40% to 60% disability = 10 marks
		Locomotors	20	Above 60% to 80% = 15 marks
		Deaf & Dumb	20	Above 80% = 20 marks Valid certificate issued during last one year by AIIMS (including its branches in Haryana), PGI Rohtak, PGI Khanpur Kalan, Kalpana Chawla Medical College, Karnal, PGI Chandigarh or duly constituted Medical Board only

4	Couple case	Only female spouse	5	Employees' spouses working in state govt./center Gov. as regular government employee or working on contract basis under Haryana School Shiksha Pariyojna Parishad, Panchkula excluding out sourced officials. Such proof should be issued currently by DDO (Drawing Disbursing Authority/Head of the Department).
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Thereafter, certain amendments have been made in the criteria for couple cases. A supplementary criteria was issued on 28.08.2020, which is extracted as under:-

<i>Major factor</i>	<i>Sub-factor</i>	<i>Max. points</i>	<i>Criteria for calculation</i>
Couple case	Only female spouse	5	Employees' spouses working in state govt./center Gov. as regular government employee in Haryana State or employees' spouses working in Public Sector Undertaking (created under Acts or Rules) as regular employee in Haryana State or employees spouses working as Military Personal/Paramilitary Personal working outside the State or Employees spouses working under Haryana School Shiksha Pariyojna Parishad, Panchkula (excluding out sourced officials). Such proof should be issued currently by DDO (Drawing Disbursing Authority/Head of the Department).

In accordance with the aforesaid criteria, the exercise of re-allocating the place of postings/stations is being carried out. The prayer of the petitioner is that the above extracted criteria should be set aside.

Heard learned counsel for the parties at length and perused the paper book.

Learned counsel for the petitioner contends that the petitioner has been appointed on contractual basis and under the garb of the revised criteria, she may be posted at a place far away from her home-town. He contends that the petitioner is an unmarried girl, staying with her parents.

Learned counsel for the respondents submit that a uniform criteria has been adopted and in the absence of any illegality or perversity in the criteria adopted, an employees cannot insist on a particular place of posting.

Having considered the arguments of learned counsel for the parties, this Bench is of the view that there is no substance in the present writ petition. No doubt, the petitioner and the other employees have been appointed on contractual basis. However, they do not have a right to a particular place of posting. On careful perusal of the aforesaid criteria, which is extracted above, it is apparent that the respondents have adopted a reasonable criteria and the Court, in the absence of any perversity or arbitrariness in the procedure, does not find it appropriate to interfere.

Hence, the writ petition is dismissed.

20.04.2021

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No