

CWP-19758-2021

Date of decision : October 11, 2021

Pushpa Devi

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.S.S. Sahu, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for directing respondent No.4 to amend waiting list dated 13.07.2015 issued by respondent No. 4 with the averment that number of vacancies are lying vacant due to non-joining of selected candidates and even candidates in the waiting list have not come forward to join. Reference is made to order dated 22.02.2019 passed by the Director Elementary Education, Haryana, Panchkula.

Learned counsel submits that petitioner had applied for the post of primary teacher pursuant to advertisement dated 08.11.2012 being found meritorious. She was short listed and called for interview. Her result was declared on 13.07.2015, however, she did not figure in the waiting list prepared by respondent No. 4. It is submitted that number of candidates have not joined out of the waiting list and 1021 posts are still lying vacant. It is further averred that respondent No. 2 has issued public notice on 20.11.2018 directing the selected candidates to join on the posts and in case, they fail to join duty, their candidature would be deemed cancelled. It is submitted that petitioner had secured 50.35 marks

and waiting list was prepared for the candidates who secured 55 marks. In this scenario, it is prayed that petitioner's representation for amendment of the waiting list should be decided.

Before right of the petitioner to seek any amendment of the waiting list in the manner as alleged could be adjudicated, learned counsel for the State to whom advance copy of the writ petition has been supplied, on instructions from Sh. Rajesh Kumar Punia, Superintendent from the office of Elementary Education Haryana submits that in fact the recommended list of 11,688 successful candidates itself has not been exhausted. 944 candidates from the recommended list still remain and there are 835 candidates in the waiting list, therefore, present writ petition in any case is not maintainable.

Keeping in view the above, I do not find any ground to interfere at this stage.

Accordingly, present petition is dismissed as not maintainable in view of specific statement made by learned counsel for the State.

It is clarified that there is no expression of opinion on the merits of the matter.

October 11, 2021
Rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No