

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

CWP-6570-2001 (O&M)

Date of decision: May 25, 2022

Maya Devi

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Ms. Anu Chatrath, Advocate for the petitioners.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 2001, *inter alia*, for issuance of a writ in the nature of certiorari quashing order dated 12.04.2001 endorsed on 26.04.2001 (Annexure P-9), whereby petitioner has been reverted from the post of Clerk to the post of Peon after a period of more than 5 years.

2. Ostensible reason of reversion of petitioner is that Chief Secretary, Haryana, vide letter dated 17.12.1998 ordered not to appoint persons possessing degrees and other qualifications awarded by Varanasey Sanskrit University, Varanasi. Said Institution/ University was stated to be de-recognised by University Grants Commission vide letter dated 26.06.1991. While, the petitioner's case is that she, before passing this examination in the year 1989, from said University, had herself verified from the office of Education Department i.e. District Education Officer, Karnal regarding recognition of examinations conducted by Varanasey Sanskrit University,

Varanasi.

3. Vide interim order dated 08.05.2001, a Division Bench (as they then seized of the matter), while issuing notice of motion granted interim protection to the petitioner by directing that operation of the impugned order of reversion shall remain stayed in the meantime. The said order is still continuing and in operation till today. It appears that by virtue of the said interim order, the petitioner has been working as a Clerk for the past 21 years.

4. Thus, in view of experience gained by the petitioner on account of her continuous service as Clerk, the impugned order has lost its sanctity. On Court query, learned State Counsel also does not dispute that in the given circumstances, the contemplated action at the relevant time taken by the department, has now been rendered infructuous.

5. In the premise, keeping in view the submissions made by learned State counsel as noted herein-above and in any case, in order to balance the equities, respondents are directed to not initiate any adverse action against the petitioner and she shall be allowed to continue on the post on which she was originally appointed. Merely because of lapse of time caused by sheer pendency of this writ petition, the same shall not be construed as if the fortuitous benefit of the length of service rendered by the petitioner is to be denied to her for no fault of hers.

(ARUN MONGA)
JUDGE

May 25, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No