

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

**CWP No.23195 of 2014 (O&M)
Date of Decision: 23.03.2022**

Samali Verma

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Vikas Gupta, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab for the respondent(s).

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution for quashing of the select list (P-4) for the post(s) of Rural Associate Teachers (Master/Mistress Cadre). Further prayer is to direct the respondents to issue an appointment letter in favour of the petitioner.

It transpires that Education Department issued an Advertisement dated 09/10.09.2012 inviting applications for 5078 posts of Rural Associate Teachers (Mater/Mistress Cadre) and last date for submission of application was fixed as 08.10.2012. The general condition No.2 of the advertisement reads as under:-

“The candidates applying for these posts shall ensure that they acquire the specified qualifications and fulfils various conditions

before the last date for submission of applications. If before or after appointment at any time, during inspection, it is found that a candidate does not fulfils some condition/qualification or the information given by him is false or wrong, the candidature of such person shall be cancelled and a separate action under the criminal law shall be initiated against him.”

In pursuance of the above advertisement, petitioner applied for Social Studies Teacher under Backward Class Category, but her Backward Class Certificate was issued on 19.09.2013 i.e. subsequent to the last date for submission of the application.

It is contended by learned Counsel for the petitioner that she secured 55.6250 marks; whereas the last candidate, who was selected in B.C. Category, obtained 53.6249, thus, her claim is liable to be accepted.

Learned State Counsel opposed the above contention on the premise that petitioner did not submit her Backward Class Certificate within the stipulated period as per general condition No.2 of the advertisement and moreover, none of the affected persons has been impleaded as party respondents.

Heard learned Counsel for the parties and perused the paper-book; but in the opinion of this Court, the prayer of petitioner cannot be accepted for the following reasons:-

1. None of the candidates from the impugned select list has been impleaded as party respondent.
2. It is quite elementary and fundamental principle of law that no order ought to be passed against a person, who is not a party to the *lis*, but shall be adversely affected by such an order (vide *audi alteram partem/audiatur et altera pars*).

3. Despite repeated asking by the Court, learned Counsel for the petitioner was not able to point out from record of the case that any post is still lying vacant in the B.C. Category or even under General Category out of 5078 posts, advertised on 09/10.09.2012.

In view of the above, there is no option except to dismiss the petition.

Ordered accordingly.

Pending application(s), if any, shall also stand disposed off.

However, liberty is granted to the petitioner to file fresh petition with better particulars after impleading the selected candidates, who are likely to be affected in the matter, if so advised.

March 23rd, 2022
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>