

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

208

CWP-17908-2018
Date of Decision :23.11.2022

Surender Kumar

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kartar Singh Malik-I, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. A.G. Haryana.

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Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner submits that the petitioner was selected as JBT teacher in pursuance to advertisement No.04/2009 but he was not given appointment on the ground that he was facing criminal proceedings in respect of the FIR No.65 dated 20.10.2010. Learned counsel for the petitioner further submits that the petitioner was acquitted in the said FIR on 19.11.2014 but even after acquittal, the petitioner has not been given the benefit of appointment in pursuance to his selection as JBT teacher.

After notice of motion, the respondents have filed reply wherein, it has been stated that once the petitioner was facing criminal proceedings at the time of appointment and could not be appointed, the department could not wait for the conclusion of the said criminal proceeding so as to adjudge the entitlement of the petitioner for the said post and

therefore, the candidate lower in merit than him offered an appointment as the petitioner was not eligible to be appointed.

Learned counsel for the petitioner submits that though, no selected candidate, who has been appointed in place of the petitioner, has been impleaded as party to this petition but the petitioner will be satisfied in case respondents are directed to decide the legal notice dated 06.05.2018 (Annexure P/13) served by the petitioner upon the respondents, wherein the petitioner has already mentioned that some posts advertised vide advertisement No.04/2009 are still lying vacant and hence, the claim of the petitioner can be considered qua said posts.

Learned State counsel submits that the legal notice dated 06.05.2018 (Annexure P/13) served by the petitioner will be decided by the respondents within a period of 08 weeks from the date of receipt of copy of this order.

Learned counsel for the petitioner submits that keeping in view the statement made by the learned State counsel, present petition may kindly be disposed off having been not pressed any further.

Ordered accordingly.

November 23, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No