

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

204)

CWP-14554 of 2016 (O&M)

Date of Decision: 26.08.2022

Yogesh Kumar and others

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajesh Arora, Advocate,
for the petitioners.

Mr. R.S. Budhar, Addl.A.G., Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

Vide this petition, the petitioners seek the issuance of a writ in the nature of *mandamus* directing the respondents to consider them for promotional post of PGT Mathematics having the qualification of M.Sc. Statistics, in consonance to the corrigendum dated 03.07.2012 whereby the candidates with M.Sc. Statistics have been made eligible for the post of PGT Mathematics.

Learned counsel for the petitioners submits that on the same question of law, when placed for adjudication of this Court when the direct recruitment to the post in question was made, the respondents had granted the candidates one time relaxation and the candidates having qualification equivalent of that of the petitioners were considered eligible for direct appointment to the post of PGT Mathematics. Hence, the petitioners also intends to approach the respondents to grant them the relaxation in the rules as a one time measure for promotion to the post of PGT Mathematics as same

is causing the hardship to them as the respondents, under the rules governing the service, has the power to relax the same in case of the petitioners as well. Hence, the petitioners be given liberty to approach the respondents and the respondents may kindly be directed to consider the claim of the petitioners sympathetically as done in the case of other similarly situated employees who were appointed by way of direct recruitment.

The learned State counsel submits that in case, any representation is filed by the petitioners, the same will be considered in terms of the rules governing the service keeping in view the fact of the power of the appointing authority to relax the rule coupled with the fact that similarly situated employees who were claiming the benefit, as is claimed by the petitioners, at the time of the direct recruitment, were granted the one time relaxation, within a period of eight weeks' of receipt of any such representation.

Learned counsel for the petitioners submits that keeping in view the above, the present petition may kindly be disposed of as having been not pressed any further with liberty as prayed for.

Ordered accordingly.

August 26, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No