

2023:PHHC:047260

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106-F

CWP-2381-2019 (O&M)

Date of Decision: 27.03.2023

SUDESH

... Petitioner

Versus

STATE OF HARYANA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Anurag Goyal, Advocate
for the petitioner.

Mr. RS Budhwar, Additional AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of writ in the nature of
Certiorari quashing the order dated 14.01.2019 (Annexure P-11).

Learned counsel for the petitioner submits that against
advertisement No.1/2012 dated 07.06.2012, the petitioner had applied for
the post of Post Graduate Teacher (Punjabi) and that after adopting the
due process, the petitioner was issued appointment letter dated
14.12.2013 (Annexure P-7). He further submits that vide impugned order,
the said appointment letter has been withdrawn and petitioner's
candidature is recommended for cancellation, to the Haryana Staff
Selection Commission.

A Coordinate Bench of this Court, on 29.01.2019 has stayed
operation of the impugned order and adjourned the case sine die awaiting
decision of LPA-1220-2015 titled as State of Haryana and others vs
Subhash Chand.

It has been brought to the notice of this Court by the learned counsel for the petitioner that aforesaid LPA has now been dismissed vide order dated 13.11.2019 and, thus, the impugned order herein is liable to be quashed

Learned State counsel does not dispute the factum of dismissal of LPA-1220-2015. He, thus, submits that the claim of the petitioner will be decided in view of the order passed in the LPA.

I have heard the learned counsel for the parties.

A Coordinate Bench of this Court in CWP-5781-2015 titled as Subhash Chand vs State of Haryana and others, passed the order on 04.06.2015. The relevant extract reads as under:-

'Once the Board had given statement in the Court to give the appointment to the candidates, who were registered with the Employment Exchange when they were below the age of 40 years during the validity of 1998 Rules, which did not envisage the relaxation, but the present scenario after 2012 is quite different as per observation in preceding paras. Had the authorities thought to apply rules as they had sought to while rejecting the case of the petitioner, then there would not have any clause in the advertisement and as well as in the application form for relaxation of the age, much less, registration with the Employment Exchange.

In view of what has been observed above, the writ petitions are allowed and the directions are issued to the respondents to call the petitioners for counselling and issue the appointment letters to them for the post of PGT in respect of categories for which they have been appeared or interviewed. The petitioners are also entitled for consequential benefit of seniority'.

As noticed above, counsel for the parties are ad idem as regards the decision of LPA-1220-2015.

In view of the above, the impugned order dated 14.01.2019 is set aside and respondent No.2-Director, Department of Secondary Education, Haryana, is directed to decide the case of the petitioner in terms of the decision rendered by the Hon'ble Division Bench of this Court in LPA-1220-2015 and by a Coordinate Bench of this Court in CWP-5781-2015, within a period of ten weeks from the receipt of the certified copy of this order, by passing a speaking order, as per law.

However, it is made clear that till the time the decision is taken by the competent authority, the services of the petitioner shall not be terminated and he be allowed to continue his duties.

27.03.2023

Aman Jain

(HARNARESH SINGH GILL)**JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*