

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 234

Civil Writ Petition No.3096 of 2023
Date of Decision: *September 15, 2023*

Manju Bala

..... PETITIONER(S)

VERSUS

State of Haryana and others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Rajesh Goyal, Advocate for the petitioner.

Mr. Suneel Ranga, DAG, Haryana.

. . .

Tribhuvan Dahiya, J. (Oral)

This petition has been filed seeking a writ of *certiorari* quashing the impugned information/order, Annexure P-5, whereby petitioner's deployment as Para-Teaching Associate (PGT History) was cancelled; and a writ of *mandamus* directing the respondents to allow the petitioner to join the post.

2. As per facts of the case, the petitioner was given a deployment offer letter, dated 30.11.2022, Annexure P-2, as Para-Teaching Associate (PGT History) at Job Level-3 with the indenting organization/Education (Secondary) at Government Senior Secondary School, Kaimla, Karnal. However, he was not allowed to join there, since a regular incumbent had been posted there. A communication to that effect was also sent by the Principal of the school, dated 01.12.2022, Annexure P-3, to the Nigam that the post of PGT History stood filled on account of joining of Sh. Megh Nath on 15.11.2022.

3. In these circumstances, the District Education Officer (DEO) vide letters, dated 09.12.2022 and 30.12.2022, requested the Director, Higher Secondary Education, to adjust the petitioner in some other school against the posts which were lying vacant. The petitioner was called by the Nigam for verification of his educational and other related qualification, including HTET certificate etc. The same was duly furnished by the petitioner. Still, vide impugned communication, Annexure P-5, deployment order was withdrawn/cancelled.

4. Learned counsel for the petitioner contends that the petitioner is fully eligible for the post and after duly considering his candidature the 'deployment offer letter', dated 30.11.2022, was issued. Although, a regularly selected candidate joined the school where the petitioner was posted, there are other posts lying vacant in the district, as is apparent from the status of the posts as on 14.12.2022, Annexure P-6. The document shows out of eleven posts of PGT History in the district, only nine were filled and two were vacant. He could have been adjusted against any of those vacant posts.

5. Learned State counsel, by referring to the written statement filed on behalf of respondent No.2, contends that the indent was withdrawn by the organization, i.e, the department concerned, therefore, the petitioner could not have been offered the job. The offer letter was rightly cancelled.

6. The arguments advanced by learned counsel for the parties have been considered.

7. The offer letter stands withdrawn on account of joining of regular incumbent in the school. However, there is no dispute about the petitioner's eligibility for the post, as also the fact that two posts of PGT

History were still vacant in district Karnal as on 14.12.2022, when the offer letter was withdrawn. The petitioner could have been considered for deployment against any of those posts which was not been done; nor is there any explanation offered for not doing so.

8. In these circumstances, the writ petition is disposed of with a direction to respondent No.2/Chief Executive Officer, Haryana Kaushal Rozgar Nigam Limited, to consider petitioner’s deployment as Para-Teaching Associate (PGT History) at Karnal against any vacant post, if available. An appropriate order to that effect shall be passed within a period of four weeks from the date of receiving a certified copy of this order.

(Tribhuvan Dahiya)
Judge

September 15, 2023
payal

<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>