

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 2808 of 2023

Date of Decision: 13.02.2023

Kuljeet Kaur

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Shubreet Kaur, Advocate
for the petitioner(s).

Mr. Rohit Ahuja, Deputy Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The petitioner prays for issuance of the writ in the nature of mandamus to direct the respondents to consider and appoint the petitioner to the post of Inclusive Education Research Teacher w.e.f. 30.03.2013 in terms of the judgment dated 24.09.2019 passed in ***“Balvir Kaur and Another v. State of Punjab and Others” (Civil Writ Petition No. 22430 of 2013).***

2. The petitioner is working as an Inclusive Education Research Volunteer since the year 2009 under the Sarv Shiksha Abhiyan Scheme notified by the State of Punjab. She claims that in the year 2013, she improved her qualification, hence, she became entitled to be appointed as an Inclusive Education Research Teacher. On 13.03.2013, the District Education Officer (D.E.O.) invited the applications from the eligible candidates who possess the qualification of B.A., B.Ed. The petitioner

period of ten years, the petitioner claims that the writ petition filed by the similarly situated Inclusive Education Volunteers has been allowed on 24.09.2019. It is also claimed that another Inclusive Education Research Teacher in Ajnala died in the year 2021, therefore, the petitioner is entitled to be considered for the said vacant post.

4. The learned counsel representing the petitioner admits that as per the Scheme, the post of Inclusive Education Research Teacher is required to be filled by an appointment. Admittedly, the petitioner's application filed in the year 2013 was rejected by the concerned authority (D.E.O.). She did not assail its correctness. Moreover, the writ petition filed by the other identically situated employees does not render a fresh cause of action to the petitioner. Similarly, the death of another Inclusive Education Research Teacher and the consequent vacancy would not confer any right on the petitioner to force the respondents to appoint her to the said post when her application was already rejected for the said post.

5. In view of the aforesaid facts and discussion, this Court does not find it appropriate to exercise its extraordinary writ jurisdiction. Consequently, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

February 13, 2023

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No