

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

CWP-4317-2023
Date of Decision: 02.03.2023

Sangeeta

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. L.K. Gollen, Advocate, for the petitioner.

HARNARESH SINGH GILL, J.

By way of the present writ petition, the petitioner seeks issuance of a writ in the nature of Mandamus directing respondent Nos. 1, 2 and 4, to decide the representation dated 02.01.2023 (Annexure P.10) within a stipulated time.

The petitioner claims to have been offered appointment as Post Graduate Teacher (Mathematics) vide appointment order dated 02.03.2022. However, the petitioner did not join the said assignment, as she is already working as a clerk on regular basis in the office of District Programme Officer (WCD) at Rewari, and had sought and been granted extension of three months' to join the post in question. It is further the case of the petitioner that in the meantime, the Hon'ble Apex Court in MA Nos. 539-569 of 2022 in CA Nos. 5065-5095 of 2021 passed an order dated 09.05.2022 and pursuant to and in compliance with the directions contained in the said order, a fresh merit list

was drawn by the Haryana Staff Service Commission (for short the respondent-Commission) and in the said list, the petitioner fell short by 01 (one) mark and thus, she has apprehensions whether or not she is still eligible for appointment and/or can join the post in question.

Learned counsel for the petitioner would vehemently argue that the petitioner had been offered appointment in compliance with the order dated 01.09.2021 passed by the Hon'ble Supreme Court, but in compliance of with the subsequent order dated 09.05.2022, the merit was redrawn by the respondent-Commission and in that process, the petitioner fell short by 01 (one) mark in the merit. Though at the same time, the learned counsel would place reliance upon the order dated 09.05.2022 passed by the Hon'ble Apex Court, whereby it was directed that in case of those candidates, who have been given the offer of appointment pursuant to the orders passed earlier, but are to be denied appointment due to merit standing, may be considered for accommodation against the existing vacancies.

Learned counsel would argue that though the petitioner has made a representation dated 02.01.2023 (P.10) to respondent Nos. 1, 2 and 4, yet it has yielded no result, thus far and hence, this petition.

It is the case of the petitioner herself that the matter has attained finality with the order dated 09.05.2022 passed by the Hon'ble Supreme Court. When the matter has been finalized and as per the petitioner, the respondent-Commission, in

compliance thereof, has already drawn a fresh merit list, the petitioner cannot be heard saying that this Court should mandate respondent Nos. 1, 2 and 4 to decide her representation. Admittedly, when the appointment was offered to the petitioner, she did not join and had sought and been granted three months' extension to join the assignment. Thus, in the interregnum, if pursuant to and in compliance with the directions issued by the Hon'ble Supreme Court in its order dated 09.05.2022, a fresh merit list has been drawn and in that the petitioner falls short by 01 (one) mark, this Court cannot come to the rescue of the petitioner.

It seems that the petitioner intends to have a stamp from this Court, in the form of the directions sought for, to mandate the respondent-Commission to give her appointment to the post in question. Such a prayer cannot at all be granted. Thus, the present petition is devoid of merits.

In view of the above, the present petition is dismissed.

02.03.2023
ds

(HARNARESH SINGH GILL)
JUDGE

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