

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 8491 of 2023****Date of Decision: 24.04.2023**

Amanveer Kaur and Others

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Parvesh K. Saini, Advocate
for the petitioner(s).

Mr. Vikas Mohan Gupta, Additional Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. While praying for the issuance of the writ in the nature of certioari to quash the identical notices dated 06.04.2023 calling upon the petitioners to show cause as to why their services shall not be terminated, they have filed the present writ petition.

2. Pursuant to the recruitment notice issued on 28.02.2020, the petitioners were appointed on the post of Punjabi Mistress in the month of May, 2021. However, the various writ petitions were filed challenging the correctness of the revised answer key. In *Prabhjot Kaur and Others v. State of Punjab and Others (Civil Writ Petition No. 3639 of 2021, decided on 15.02.2023)*, the State was directed to examine the report of the Expert Committee consisting of two members and thereafter, take an appropriate decision within a period 15 days. Pursuant thereto, the result has been

revised and the petitioners have been issued the show cause notices as they

are scored lower than the cut marks off as provided in the revised result.

3. The learned counsel representing the petitioners contends that the show cause notices have been issued without issuing the final result. He further submits that the petitioners have merely worked for a period of two years. Hence, he while relying upon the judgment rendered in ***Rajwansh Kaur v. State of Punjab and Others (Civil Writ Petition No. 7646 of 2010, decided on 30.05.2016)***, which was affirmed in the letters patent appeal and another judgment passed in ***Amna Rani and Others v. State of Punjab and Others (Civil Writ Petition No. 25562 of 2018, decided on 14.10.2020)***, submits that the services of the petitioners should not have been dispensed with particularly when a large number of vacancies are available.

4. On the other hand, the learned State counsel, while entering appearance, draws the attention of the Court to Clause 17 of the appointment letter and submits that the writ petition is liable to be dismissed because the final result has already been uploaded on the official website of the department and it was specified in the appointment letter that the appointment shall be subject to decision of the pending court cases.

5. This Court has carefully read the judgment passed in ***Rajwansh Kaur's case (supra)***. In that case, the appointment letters were issued in the year 2006, whereas, on revision of the result, the services were sought to be terminated in the year 2010. On the interim orders granted, the termination of services was stayed. The writ petition came up for final disposal in the year 2016. By that time, the petitioners, in those writ petitions, had served for a period of ten years. In these circumstances, a co-

ordinate Bench took a view that dispensing with the services of the employees after a period of ten years services would not be appropriate. This view was upheld by the Division Bench.

6. The learned counsel representing the petitioners has also relied upon the judgment rendered in *Amna Rani's case (supra)*. In that case, the State itself filed an affidavit to the effect that the services of the petitioners would not be dispensed with. In view of the aforesaid stand of the State, the writ petitions were disposed of.

7. In the humble opinion of this Court, the aforesaid two judgments do not, as a *ratio decidendi*, lay down that once an appointment has been given, the same cannot be cancelled even if it is subsequently found that the appointment letters have been issued to the candidates who have scored marks lower than the cut off marks.

8. The learned counsel representing the petitioners further relies upon the judgment rendered in *Vikas Pratap Singh and Others v. State of Chhattisgarh and Others 2013 AIR (Supreme Court) 3414*. This Court has carefully read the aforesaid judgment. In that case, the appointments were made in the year 2008. The matter came up before the Court in the year 2013. Taking a sympathetic view, the Supreme Court, in the exercise of its powers under Article 142 of the Constitution of India, protected their services.

9. Clause 17 of the appointment letter reads as under:-

“17) The decision of the court cases pending in various courts relating to this appointment shall be applicable to this appointment.”

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10. Thus, it is evident that the petitioners were aware of the pendency of the court case. Moreover, the petitioners are currently in the probationary period.

11. Keeping in view the aforesaid peculiar facts, no case is made out to issue the writ. Hence, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

April 24, 2023
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No