

2023:PHHC:065847

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

CWP-9811-2023 (O&M)
Date of decision: 08.05.2023

Manpreet Kaur

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr.Kapil Khanna, Advocate for the petitioner

Mr. Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. While praying for issuance of a writ in the nature of Certiorari, the petitioner prays for setting aside the order dated 09.12.2022.

2. On being selected, the petitioner has been appointed and posted in SBS Nagar. The grievance of the petitioner is that he has been posted at a far away place from her home town. Although the selected candidates, who were lower in merit have been accommodated in District Fazilka. The Director, Public Instructions while considering the petitioner's representation has passed the following detailed order on 09.12.2022:-

“AND Whereas, as per information provided by the MIS Wing of office of Director General School Education, Punjab, the petitioner opted 93 stations during this process. The said office also informed vide their report dated 13.10.2022 as

well as 06.12.2022 that 42 stations have been allotted to the candidates who are higher in merit than the petitioner. It is worthwhile to mention here that only 36 stations were filled up in district Fazilka of different reserved categories candidates, whereas petitioner belong to open category. It is pertinent to mention here that posts were filled up on the basis of available vacant posts as per State Reservation Policy. The remaining posts in district Fazilka could not be filled up as no post of open category in district Fazilka was available. Hence, no doubt all posts which were shown during this process could not be filled up, However, such posts were meant for different reserved category as per State Reservation Policy. Hence, the petitioner being applicant of Open category cannot claim appointment against any post meant for reserved category as per State Reservation Policy. Otherwise it will be violation of Reservation Policy.

AND whereas, the petitioner has referred the name of Ms. Chinkey daughter of Atma Ram Roll No. 524134 having merit 69, whereas the merit of the petitioner is 70. As per information provided by the MIS Wing of office of Director General School Education, Punjab, Ms. Chinkey has opted Government Primary School Janta Nagar, Bathinda. However, as per available record, the petitioner has not opted this station. Hence, the petitioner cannot equate herself with this Ms. Chinkey. Further, no candidate of category of petitioner was allotted station which the present petitioner opted. Therefore, the claim of the petitioner is not maintainable. Hence, rejected.”

3. It is evident that the petitioner provided a list of preferred places for posting out of which 42 places were allocated to the candidates who scored high marks as compared with the petitioner. At the remaining places, the reserved category candidates were assigned postings.

4. In view of the aforesaid facts, no ground to issue the writ, as prayed for, is made out.

5. Hence, dismissed.
6. All the pending miscellaneous applications, if any, are also disposed of.

08.05.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE