

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 20803 of 2015(O&M)
Date of Order:01.05.2023

Amanbir Kaur

.Petitioner

Versus

State of Punjab and others

..Respondents

CWP-6424 of 2023 (O&M)

Rekha Sharma

.Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Alka Chatrath, Advocate
for the petitioner (n CWP-20803 of 2015).

Mr. R.D.Bawa, Advocate,
Mr. Randhir Bawa, Advocate and
Mr. Dipanshu Kapur, Advocate
for the petitioner(in CWP-6424 of 2023)
for respondent no.4 (in CWP-20803 of 2015).

Mr. Vishnav Gandhi, DAG, Punjab

ANIL KSHETARPAL, J.

1. Two connected writ petitions have come up for final disposal. This is the second round of writ petitions in Civil Writ Petition 20803 of 2015. In order to comprehend the controversy involved, it would be appropriate to notice the relevant facts, in brief:-

A recruitment notice was issued by the Punjab State Subordinate Services Selection Board on 10.12.2006 for the post of teachers in various subjects including 65 posts of Sewing Teachers. The selection was based on the basis of the merit list prepared after evaluating the

academic qualifications. The petitioner was not selected. She filed a Civil Writ Petition No.9622 of 2011 in the High Court which was allowed on 07.01.2013 with the following observations:-

“The impugned order dated 28.03.2011 (Annexure P-19) is hereby quashed and direction is issued to respondent-Punjab Subordinate Service Selection Board to reconsider the claim of the petitioners for selection made in pursuance to the advertisement dated 11.12.2006 (Annexure P-1) along with the other similarly placed candidates, recast the merit list and make appropriate recommendations to the Government against the post advertised of Sewing Mistress. This exercise be completed within a period of three months from the date of receipt of certified copy of this order.”

2. The LPA No.1115 of 2013 filed by the State was dismissed as not pressed on 24.04.2015 with the following observations:-

“He states that the Subordinate Services Selection Board has genuine difficulty in implementing the directions of the learned Single Judge. He states that as per the Board's understanding of the order, they are required to interview all the candidates afresh. This opinion is baseless. The direction is not to interview the candidates afresh. The directions were given to the Board to reconsider the claim of the writ petitioners along with other similarly placed candidates and recast the merit, after deleting the names of 11 selected candidates, who were found to be ineligible, and make appropriate recommendation to the Government. The said exercise be undertaken by the Board.

In view of the said clarification, learned counsel for the State-appellant does not want to press this appeal.

Dismissed as not pressed.”

3. Thereafter, the Selection Board issued a public notice calling the candidates including the petitioner, who had applied for the post of Sewing Teacher (Female) under the general category to be present in the office of the Selection Board along with the documentary evidence for the consideration of their claims within the period from 22.07.2015 to 24.07.2015. It was specifically noted that in case any candidate does not produce any documentary evidence upto the aforesaid dates, then he/she will have no claim for the post of Sewing Teacher (Female). Admittedly, the petitioner did not attend the office of the Selection Board along with the documentary evidence between 22.07.2015 and 24.07.2015.

4. Subsequently, a public notice was issued on 17.09.2015 intimating that there are 18 posts of Sewing Teacher (Female) under the general category which remained vacant and the candidates who had appeared before the Selection Board between 22.07.2015 and 24.07.2015 should again bring their original documents of educational and technical qualification on 30.09.2015.

5. Civil Writ Petition N.20803 of 2015 was filed challenging the correctness of the public notice dated 17.09.2015. It is the case of the petitioner that on account of illness she could not attend the office of the Selection Board between 22.07.2015 to 24.07.2015.

6. Heard the learned counsels representing the parties at length and with their able assistance perused the paper books.

7. It has been nearly 16½ years when the recruitment notice was issued. In the first round of the litigation, the court had only directed the Selection Board to reconsider the claim of the petitioners and recast the

merit list. The Letters Patent Appeal (LPA) against the aforesaid judgment was withdrawn as not pressed. In order to recast the merit list, the Selection Board issued a public notice calling upon the candidates to produce the documents. It is the stand of the respondent-Board that the petitioner could have deputed a representative to produce the documents. In such situation, the question is “whether the court should now compel the State Government to recruit the petitioner only because she has secured more marks than the last selected candidate?”

8. It may be noted here that the learned counsel representing the State of Punjab submits that the posts of Sewing Teachers have been abolished. In the opinion of the Court, much water has gone down the drain. At this stage, no effective relief can be granted to the petitioner particularly when she failed to attend the office of the Selection Board between 22.07.2015 and 24.07.2015. The contention of the learned counsel representing the petitioner that there was no necessity of fresh counselling in the absence of directions by the Court, has no substance because in order to prepare the merit list, the Selection Board is required to examine and verify the correctness of the claim made by the candidates.

9. Keeping in view the aforesaid facts, no ground to issue the writ as prayed for is made out.

10. Dismissed.

11. The learned counsel representing the petitioner further submits that pursuant to an interim order passed by the Court, the petitioner was permitted to attend the counselling but the government is now refusing the aforesaid ground.

12. In Civil Writ Petition No.6424 of 2023, the learned counsel representing the petitioner submits that the petitioner was at Sr. No.21 in the merit list, whereas the candidates upto Sr. No.20 have been appointed.

13. After a passage of more than 16 years, particularly in view of the stand of the respondent-State that the posts have been abolished, no further order is required to be passed.

14. All the pending miscellaneous applications, if any, are also disposed of.

May 01, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO