

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23489-2014 (O&M)

Date of decision: 01.03.2023

Nandini Sharma

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. R.K.Arora, Advocate for the petitioner

Mr. R.S.Pandher, Sr.DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner prays for issuance of an appropriate writ to direct the respondents to appoint her on the post of ETT teacher (Teaching fellow).

2. The relevant facts, in brief, are required to be noticed, which are as follows:-

On a recruitment notice issued on 5th September, 2007 to recruit 9998 teachers, the petitioner applied under the ex-servicemen category, however, she was not considered. Thereafter, she filed a representation claiming that she was entitled to be considered in the category of ex-servicemen as her father served in General Reserve Engineering Force (hereinafter referred to as 'GREF'). It is not disputed by the learned counsel representing the petitioner that the employees of GREF are not entitled to be considered as ex-servicemen.

3. The petitioner claims that her candidature should have been considered in the general category in the open merit and the respondents have erred in neither appointing the petitioner under the ex-servicemen category nor under the general category.

4. On the other hand, the respondents took a stand that all the posts meant for ex-servicemen General (female) category were filled up during the year 2008 and no vacant post is available in furtherance of the recruitment notice dated 5th September, 2007.

5. In the year 2011, the petitioner filed a petition before the Human Rights Commission, which was disposed of on 26th February, 2014. Thereafter, she filed the present writ petition.

6. The learned counsel representing the petitioner submits that in 2011, a public notice was issued to fill up the remaining unfilled 1133 posts while preparing a combined merit list. However, her candidature was not considered at that point of time.

7. On the other hand, it is the stand of the respondents that the merit of the petitioner is 59.58, whereas, the last selected candidate under the general category (female) has scored 62.709 marks.

8. The learned counsel representing the petitioner further submits that the petitioner's experience certificates from the school affiliated to CBSE and the Punjab School Education Board have not been considered as the experience certificates were not countersigned by the concerned District Education Officer. He relies upon the judgment passed in CWP-10558-2014 titled as **Isha Sharma vs State of Punjab and another** decided on 28th July, 2017, which was followed in CWP-

14966-2014 titled as ‘Hardaljit Kaur vs. State of Punjab and others’ decided on 15.02.2023.

9. This Court has considered the submissions and perused the paperbook. First of all, the petitioner applied under the category of ex-servicemen though, she was not eligible. Secondly, all the posts under the ex-servicemen category were filled up in the year 2008 itself. The subsequent public notice in the year 2011 is not relating to the vacancies under the ex-serviceman category. This petition has been filed in November, 2014. In 2008 itself, the petitioner knew that her candidature under the category of ex-servicemen has not been considered. She did not file any case. Merely making a representation to the respondents would not be sufficient to explain the delay, particularly when at the relevant time, the selection was finalized. In the year 2011, she filed a complaint in the Human Rights Commission, though it was not maintainable.

10. In the aforesaid facts and discussion, this Court does not find it appropriate to issue the writ, as prayed for, at this stage.

11. Hence, dismissed.

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

01.03.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE