

[1]

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

CWP-24506-2015

Date of Decision: 22.09.2023

Gurmeet Kaur

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Arunjeet Singh Kakkar, Advocate for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner is admittedly resident of State of Punjab and belongs to 'BC' category and she was married in the year 2005. At the time of submitting application for seeking appointment, the certificate produced by her contained the name of her husband. The respondents objected that the certificate should be that of mentioning her father's name. Thereupon, the petitioner filed another certificate, wherein, her father's name was mentioned and the said certificate declares her to be from the 'BC' category, in terms of the Punjab Government notification. Now, by way of this writ petition, the petitioner has approached this Court as the respondents did not take her merit into consideration for selection to the post of Regular Assistant Teacher.

2. By way of interim order of this Court dated 20.11.2015, the respondents were directed to allow the petitioner to appear in the counselling and further the respondents were restrained from offering appointment to the petitioner besides one post was ordered to be kept vacant.

[2]

3. As has come on the record from the reply, the petitioner was allowed to participate in the counselling and one post of Regular Assistant Teacher in both subjects (Social Studies and English) has been kept reserved. Learned counsel for the petitioner submits that the writ petition be decided accordingly.

4. Per contra, learned counsel appearing for the State submits that the petitioner ought to have submitted the 'BC' certificate carrying her father's name. However, the validity and genuinenity of the certificate has not been disputed by the respondents.

5. Having considered the aforesaid aspects, this Court keeping in view the judgment of the Hon'ble Supreme Court in the case of **Dolly Chhanda vs. Chairman, JEE and others 2004 SCC, 1265**, holds that status of the petitioner does not change and she remains a 'BC' category candidate, in view of subsequent certificate having been submitted by the petitioner carrying name of her father. The irregularity, if any, has also been meted out and, therefore, the petitioner would be entitled for consideration and appointment on the post, for which she has applied in 'BC' category, as per her merit.

6. Accordingly, the writ petition is allowed and the respondents are directed to offer the petitioner appointment within a period of 10 days from the date of submission of a copy of this order. The appointment shall be actually from the date, the other persons have been so appointed from the same selection and the petitioner shall also be entitled to her appropriate seniority as per her merit for future purposes. However, while the pay fixation shall be done from the same date, persons lower in merit have been

[3]

appointed and the same shall be notional. Compliance shall be done positively as directed hereinabove.

- 7. No costs.
- 8. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

22.09.2023.
rajesh

- 1. Whether speaking/reasoned? : Yes/No
- 2. Whether reportable? : Yes/No