

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-20372-2017 (O&M)
Date of decision: 11.04.2023

Savita

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Jasbir Mor, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of Certiorari quashing the order dated 11.08.2017 (Annexure P-9) passed by the Director Elementary Education, Haryana, whereby the candidature of the petitioner for the post of Junior Basic Teacher (JBT) in the cadre of Rest of Haryana except Mewat in terms of the Advt. No. 02/2012 (Cat. No.1) dated 08.11.2012 and notice/advertisement dated 15.11.2013 was cancelled. A further prayer is for issuance of a writ in the nature of Mandamus directing the respondents to allow the petitioner to give the samples of her signatures/thumb impressions to the constituted Team and officials of the State Crime Record Bureau, Madhuban, Karnal.

At the outset, learned State counsel draws the attention of this Court towards the letter dated 11.04.2023 issued by the Directorate of Elementary Education, Haryana, wherein it is mentioned that the name of the

petitioner was recommended by the Haryana Staff Selection Commission vide letter dated 04.08.2015 in waiting list in compliance of order passed in CWP-346-2013 titled as ‘Antim Kumari & Ors. Vs. State of Haryana & Ors.’. It is further mentioned therein that the report from the FSL Madhuban, Karnal, qua the petitioner, had been received and that in view of the judgment dated 13.09.2022 rendered by the Hon’ble Apex Court in SLP Diary No. 25269 of 2022 titled as ‘Vikas Kumar & Ors. Vs. State of Haryana and Ors’ (arising out of impugned final judgment and order dated 20-07-2022 in LPA No. 912/2016 passed by the High Court of Punjab & Haryana at Chandigarh), the petitioner could not be granted the benefit of appointment, being selected in the 2nd waiting list.

I have heard the learned counsel for the parties and have also gone through the paper-book.

As noticed above, the stand of the respondent-State is based on the communication dated 11.04.2023 issued by the Directorate of Elementary Education, Haryana to the effect that the name of the petitioner was in the second waiting list and in view of the judgment in Vikas Kumar’s case (supra), she could not be given appointment. The said stand could not be disputed by the learned counsel for the petitioner.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

11.04.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No