

2023:PHHC:048744

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

CWP-24300-2016 (O&M)
Date of decision: 10.04.2023

Rachna Kumari

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr.Anil Chawla, Advocate for the petitioner

Mr. Navdeep Chhabra, Sr. DAG, Punjab

Mr. Anupam Singla, Advocate for respondent no.2

ANIL KSHETARPAL, J (Oral)

1. The petitioner, while praying for issuance of a writ in the nature of Certiorari to quash the communication dated 04.01.2016, in substance, prays for a direction to the respondents to issue her appointment letter as an Elementary Trained Teacher.

2. The relevant facts, in brief, are required to be noticed to understand the controversy involved. The petitioner applied pursuant to a recruitment notice issued in October, 2011, inviting applications for 1273 posts of Elementary Trained Teachers, on contract basis. She was selected and appointment letter was sent to her by registered post. The petitioner complains that she never received the appointment letter whereas, it is the stand of the respondents that the appointment letter was sent to her by registered post on 28.02.2013, with a copy to the District Education Officer, Amritsar. The office of the District Education Officer also informed the petitioner telephonically, however, she did not

join, within the period of one week, as stipulated.

3. Keeping in view the aforesaid facts, the issue which arises for consideration is, “Whether at this stage any relief can be granted to the petitioner?” A copy of the appointment letter, which was allegedly sent to the petitioner, through registered post has been produced. The postal address of the petitioner is correct. Pursuant to the directions of the Court, a photocopy of the postal receipt indicating dispatch of the registered letter on 28.02.2013, to the petitioner has been produced. On 22.07.2013, the petitioner sent a representation to the Director General School Education complaining that due to the negligence of the Postman, she did not receive the appointment letter. Thus, it is safe to conclude that the Department did not err in sending the appointment letter through the registered post.

4. It is evident that apart from sending the individual appointment letters, the Department uploaded the list of the selected candidates on its official website. Moreover, the District Education Officer had informed the State Project Director in the office of Sarv Shiksha Abhiyan, Mohali, vide communication dated 04.12.2015 that all the teachers were informed over the telephone to come present but the petitioner did not come forward to join the post. The petitioner denies any communication via the telephonic call from the office of the District Education Officer.

5. Sh.Anupam Singla, Advocate, has informed the Court that at present, the services of the Elementary Trained Teachers, who were

appointed in the year 2013, have now been taken over by the State and the Society is not in a position to offer appointment to the petitioner. It has further been stated that similar appointment letters were issued to 1273 selected candidates and it is only the petitioner, who complains of non-receipt of the letter.

6. This Court has analyzed the facts of the case while appreciating the arguments of the learned counsel representing the parties. In the considered opinion of the Court, it would not be appropriate to issue any direction, as prayed for by the petitioner, on account of the following reasons:-

i) Highly disputed questions of fact are involved in the present case.

ii) The appointment letter was sent to the petitioner through registered post on 28.02.2013 as the petitioner in the representation dated 22.07.2013 admits that due to the negligence of the Postman, she could not receive the appointment letter.

iii) Admittedly, a list of the selected candidates was uploaded on the official website of the Department. The petitioner should have been vigilant in immediately contacting the concerned official. Moreover, the District Education Officer has specifically stated that all the selected candidates were telephonically informed. Thus, it is evident that the copy of the appointment letter was sent to the concerned District Education Officer.

iv) At this stage, particularly when the services of all the

Elementary Trained Teachers have been taken over by the State Government, no relief can be granted to the petitioner.

7. Hence, dismissed.

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

10.04.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE