

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

101

LPA-245-2022 (O&M)

Decided on 29.11.2023

Shinder Singh and another

... Appellants

Versus

State of Punjab and Others

... Respondents

**CORAM:HON'BLE MS.JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE AMAN CHAUDHARY**

Present: Ms.Alka Chatrath, Advocate for the appellants
Ms.Lavanya Paul, DAG, Punjab

AMAN CHAUDHARY, J.**CM-624-LPA-2022**

For the reasons stated in the application, delay of 53 days in refiling the appeal is hereby condoned, subject to all just exceptions.

Main Appeal

1. Challenge in the instant Letters Patent Appeal is to the judgment dated 11.02.2020 in writ petition and order dated 20.08.2021 in review application, passed by the learned Single Judge, vide which the prayer of the appellants was dismissed.

2. Learned counsel would contend that learned Single Judge has without properly appreciating the facts of the case that issuance of public notice on 29.11.2011, whereby candidates, who had earlier failed to attend the counselling in spite of opportunities granted to them previously, were wrongly permitted to participate therein, on account of which the appellants, who were otherwise in order of merit, got ousted.

3. Learned counsel for the respondent-State while emphatically opposing the prayer, drew our attention to an affidavit dated 28.06.2013, filed by

District Education Officer, Moga, in the writ proceedings and stated that in terms of judgment passed by this Court in CWP-12275-2000 titled as **Neelam Rani vs. State of Punjab**, decided on 08.01.2010, a combined merit list of male and female candidates was circulated, wherefrom the counselling of 38 candidates in category of physically handicapped was conducted. The appellants at Sr.No.25 and 27 were having merit 47.23 and 46.566 respectively, thus, could not find place for appointment as the last selected candidate had merit 49.340, as reflected in Annexure R-1.

4. Having heard the learned counsel for the parties, we are unable to countenance the submission canvassed on behalf of the appellants.

5. At first, it is imperative to refer to the view taken by the learned Single Judge, rightly observing therein that all future appointments were to be made on merit without any classification on the basis of the candidates being male or female, as had been held in the case of **Neelam Rani** (supra) by Division Bench of this Court. A review sought of the said impugned judgment met the same fate of dismissal, wherein the submissions sought to be advanced before this Court, did not find any favour. Correct observation was made that the judgment of **Pargat Singh vs. State of Punjab**, CWP-13611-2010, decided on 19.05.2011, cannot be taken in a manner that it intended only the claim of the two petitioners was to be considered, as the Court in the said judgment had not used the word ‘only’, after the word ‘petitioners’ in the directions. The directions issued, candidates having been called on the basis of combined list drawn for counselling, cannot be faulted with and for the appellants to state that none other than them ought to have been called is opposed to the provisions of Articles 14 and 16 of the Constitution of India. Moreover, the appellants were duly considered, but having failed to make a

mark as per merit, compared to the other candidates were rightly not granted appointment.

6. We are of the opinion that there is no illegality or perversity in the judgment of the learned Single Judge. As such, the present appeal being devoid of any merits, is hereby dismissed.
7. Pending applications, if any, shall be rendered as disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

29.11.2023
gsv/mkk

Whether speaking / reasoned: YES / NO

Whether Reportable: YES / NO