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RA-CW-290-2021 IN
CWP-21185-2016

HARLEEN KAUR V/S STATE OF PUNJAB & ORS

Present : Mr. H.C. Arora, Advocate,
and Ms. Sunaina, Advocate,
for the applicant/petitioner.

Mr. Rozer Kumar Aggarwal, AAG, Punjab.

Present application has been filed for review of the order dated
01.11.2021, whereby, above writ petition was “dismissed as not pressed”.

For reference, the operative part of the aforesaid order reads as under:-

*“Today, in compliance of above order, result of
the petitioner has been produced in a sealed cover and the
same is opened.*

*Perusal of the result reveals that petitioner was
duly considered for appointment to the post of Social Studies
Mistress, but she is found to be lower in merit and as such,
could not succeed. Hence, her result is declared as rejected.*

*Result of the petitioner is re-sealed and returned to
the official concerned, present in Court.*

*Faced with the above situation, learned Counsel
on instructions from the petitioner submits that he does not
wish to press the present petition on merits.*

*In view of the above, this writ petition is ordered to
be dismissed as not pressed.”*

A perusal of the above extract clearly reveals that writ petition was
“dismissed as not pressed” on the premise that petitioner was “found to be
lower in merit” for selection to the post(s) in question.

2. Learned counsel for the applicant/petitioner while making
reference to para No.4 of present review application submits that she secured

226 marks and achieved rank No.125, as per the merit list published by the respondents. Learned counsel further submits that there were many other candidates with lesser marks and lower in ranking, yet they have been selected/appointed for the post(s) in question.

3. *Per contra*, respondents are opposing the review application on the ground that applicant/petitioner is not fulfilling the educational qualification for the post(s) in question; however, there is no denial regarding the merit position of petitioner.

4. Heard learned counsel for the parties and perused the paper-book.

5. In order to decide the present review application, it would be appropriate to recapitulate para 4 of the same as well as the reply filed by respondents and which read as under:-

Review application	Reply
<i>4. That the petitioner may submit with full responsibility that there were 1500 posts of Social Studies Masters/Mistress advertised by the respondents, out of which 750 posts were reserved for the general category, and on the basis of merit determined in the light of marks obtained by the candidates in the written examination, as well as the marks obtained in the Punjab State Teacher Eligibility Test (PSTET), the petitioner had</i>	<i>4. That it is respectfully submitted that the Department of School Education vide advertisement dated 20-11-2015 invited online submission of applications for recruitment for posts of 1500 Social Studies Master/Mistress. The basic qualification mentioned in the above said advertisement for the subject of Social Studies was as under:-</i> <i>“The prospective candidate should have possessed (i) a valid Bachelor’s degree</i>

<i>obtained 226 marks and she stood at rank No. 125. The said position is reflected in the select list for allotment of stations. As a matter of fact, there were large number of candidates who had lower merit than the petitioner and have been issued appointment letters in terms of the aforesaid merit/select list. The candidature of the petitioner was withheld and the issuance of the appointment letter to her was also withheld only for the reason that the combination of subject was not accepted by the respondents. A true copy of the select list published by the respondents for allotment of stations to Social Studies Masters, pertaining to the general category is enclosed as Annexure RA-1 with the instant Review Application.”</i>	<i>from a recognized University and studied any of two subjects i.e. History, Political Science, Public Administration, Economics, Geography, Environment Studies and Sociology out of which one subject must be History, Political Science, Economics or Geography in each year at Graduate Legal.</i> <i>(ii) Bachelor’s degree in Education (B.Ed) from a recognized University with teaching subject to Social Science.”</i>
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6. After going through the above paragraphs, there remains no doubt that petitioner was placed at rank No.125 of the merit list and the candidates lower in merit have been selected/appointed for the post(s) in question.

Moreover, as already noticed, there was no adjudication of the writ petition on merits; rather the same had been dismissed simply as “not pressed”.

7. In view of the above, there is no hesitation to observe that it would be a case of an error apparent on record while passing the order dated 01.11.2021; hence the same deserves to be reviewed.

8. Consequently, present review application is allowed; and order dated 01.11.2021 is recalled.

9. As a result thereof, the writ petition is restored at its original number and the same be listed as per Roster.

10. Needless to say that the observations made hereinabove, be not construed as an expression of opinion on merits of the controversy, in any manner.

01.06.2023
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(MAHABIR SINGH SINDHU)
JUDGE