

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29937-2019

Date of decision : 09.02.2023

Kumari Raman and another

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. S.K. Bansal, Advocate
for the petitioners.

Mr. Inderpreet Singh Kang, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

On 25.01.2023, following order was passed:-

The short question involved in the present writ petition will be as to whether the clarification issued vis-a-vis word 'vernacular' relatable to Section 7 of the Act on 24.01.2020 can be held to an effect on the advertisements issued and acted upon prior thereto.

Counsel for the State seeks time in this regard.

On her request, adjourned to 09.02.2023.

A photocopy of this order be placed on the file of other connected case.

2. Today, Mr. Kang points out to para No.5 of the clarification issued by Office of Director Public Instructions, Punjab which reads as under:-

“5. Therefore, in order to remove the prevailing confusion in respect of the meaning of the term 'Vernacular', it is hereby clarified that henceforth, all the appointing authorities of the Privately Managed Government Aided School shall advertise the vacancy/vacancies against aided posts in the leading daily newspapers of the State in English, Punjabi and Hindi in their State Editions only. Any deviation in this regard would render such a process of recruitment as

void ab-initio and would, consequently, disentitle such irregular appointments for approval from the competent authority for the purpose of releasing grant in aid for such aided posts.”

3. He submits that the clarification having been issued on 24.01.2020 and the same having been specifically made applicable from ‘henceforth’, the same cannot validate the appointment of the petitioners and thus no fault can be found with the impugned order dated 10.01.2019 (Annexure P-1).

4. In the considered opinion of this Court, once the authority admits that there was already a confusion prior to the clarification, the same would be applicable post date issuance thereof, the same cannot have an effect of invalidating the appointments made anti in time.

5. Petition is allowed. Respondent No.2 is directed to take decision on approval of appointment of the petitioners within two weeks from the date of receipt of certified copy. Petitioners shall be entitled for all consequential benefits. Their appointment will relate back to the original appointment for all intents and purposes.

(PANKAJ JAIN)
JUDGE

09.02.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No