

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

2024:PHHC:157097-DB



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LPA-49-2024 (O&M)
Date of Decision: 27.11.2024.

Gurmeet Kaur ...Appellant.
Versus
State of Punjab and anotherRespondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Arjun Shukla, Advocate for the appellant.
Mr. Rohit Ahuja, DAG, Punjab.

LISA GILL, J. (Oral)

CM-124-LPA-2024

Learned counsel for the applicant/ appellant submits that four writ petitions were disposed of vide impugned judgment dated 08.11.2021 and some of writ petitioners in connected writ petition had preferred an appeal i.e. LPA-1174-2021. Said appeal was withdrawn with liberty to file appropriate application before learned Single Bench. Pursuant thereto, review application i.e. RA-CW-331-2021 was filed in December 2021, which was dismissed on 20.10.2023. Said review applicants/ petitioners preferred appeals against judgment dated 20.10.2023, which have been decided on 19.12.2023 while setting aside impugned judgment dated 08.11.2021. It is submitted that due to position mentioned above, delay of 760 days in filing the present appeal has occurred.

Keeping in view the facts and circumstances as above, delay of 760 days in filing the appeal is condoned.

Application is disposed of accordingly.

LPA-49-2024

1. This appeal has been filed challenging decision dated 08.11.2021 passed by learned writ Court, whereby four writ petitions, including the one filed by present appellant, were decided.

2. It is stated in order dated 08.11.2021 that all the writ petitions stand allowed with advertisement dated 06.03.2020 as well as the entire selection process, including provisional merit list for recruitment to 2364 posts of Elementary Trained Teachers (ETT), being quashed and set aside.

3. Learned counsel for the appellant submits that CWP-3943-2021 decided, vide said common order, was filed by appellant/ writ petitioner for setting aside notice dated 09.02.2021, whereby earlier notice dated 16.12.2020 was withdrawn. Vide said notice dated 16.12.2020, department had decided to give one opportunity to candidates to correct mistakes, if any, in the column of category in their application forms. Present appellant, it is submitted, sought to change her category from General to Ex-Serviceman (General) because during the selection process, her husband, who was serving the Army, had retired and she wanted to take the benefit of being dependent of Ex-Serviceman. This aspect, it is submitted, was never considered by learned Single Bench as the entire selection process along with advertisement, vide which applications for the posts in question were sought, was set aside.

4. CWP-3363-2021, was one of the writ petitions decided vide

impugned order dated 08.11.2021. LPA-1898-2023 arising from CWP-3363-2021 was allowed. Judgment and order dated 08.11.2021 was set aside for the reasons that appellants therein as well as the State did not dispute the criteria laid down in the advertisement for selection to the posts of ETT. Selection process, it is submitted, was thereafter carried out. In view of the facts and circumstances as above, wherein selection process has proceeded, issue as raised by the appellant is required to be adjudicated upon.

5. Learned counsel for the State submits that in fact there is no merit in the ground as raised by the appellant, while accepting that the issue as raised by appellant was in fact not considered by the learned writ Court.

6. No other argument has been addressed.

7. Keeping in view the facts and circumstances as above especially the fact that order dated 08.11.2021 stands set aside by the Division Bench on 19.12.2023 in LPA-1898-2023, it is considered just and expedient that the matter be considered in its entirety by learned writ Court. The matter is thus remanded to learned writ Court for decision thereon. It is clarified that there is no expression of opinion on the merits of the case.

7. Pending application(s), if any, stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

27.11.2024.

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No