

2024:PHHC:015312

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

127

CWP-2308-2024 (O&M)
Date of decision: 05.02.2024

Divya Jyoti
.....Petitioner

Versus

State of Punjab and Another
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Mohit Garg, Advocate for the petitioner

AMAN CHAUDHARY. J.

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for issuance of directions to the respondent authorities to consider the publication of the petitioner which have been accepted for publication by the Pub-Med Indexed Journal prior to the cut-off date of the advertisement Annexure P-1 dated 11.08.2023.

2. Learned counsel contends that the petitioner being eligible, had applied for appointment to the post of Assistant Professor-Periodontology. However, even though, there is no bar under Punjab Dental Education Service Rules, 2016, to grant marks for papers, which are yet to be published but is being denied the same despite, Pub-Med Indexed Journal has accepted it for publication. To support his case, a reference is made to the judgment passed by Bombay High Court in **Dr. Sunil vs. The State of Maharashtra and Others** in CWP-1383-2022, decided on 13.02.2023, involving the identical issue.

3. On a Court query, learned counsel states that the process has yet not been finalised, by making a reference to Communication dated 23.01.2024,

requiring the publication in a prescribed proforma to be submitted by 07.02.2024.

4. Learned counsel further on instructions submits that the petitioner would be satisfied if a direction is issued to respondent No.2 to decide the representations submitted by her.

3. Notice of motion.

4. At the asking of the Court, Mr. Paramjit Batta, Addl. AG Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made by the learned counsel for the petitioner.

5. In view of the above and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondent No.2 to look into the representations dated 03.10.2023 and 22.01.2024 (Annexures P-7 and P-8) and decide the same considering the above judgment, within a period of 4 weeks by passing a speaking order, in accordance with law.

(AMAN CHAUDHARY)
JUDGE

05.02.2024
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No