

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CWP-3767-2024  
Date of decision: 21.02.2024

Ashok Kumar  
....Petitioner  
Versus  
State of Punjab and others  
...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**  
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Present : Mr. Sukhdev Raj Kamboj, Advocate for the petitioner.

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**AMAN CHAUDHARY. J.**

1. The prayer in the present Civil Writ Petition filed under Article 226 of the Constitution of India, is to issue a writ in the nature of mandamus, for directing the respondents to consider the claim of the petitioner for his posting in District Fazilka as he belongs to the SC (R&O) category.
2. Learned counsel would submit that the petitioner is working as Centre Head teacher in District Moga, against SC (R&O) category and one such post is lying vacant in District Fazilka and in terms of the Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006, the bifurcation of posts between SC (R&O) and SC (M&B) category are in the ratio of 50:50, therefore, the same ought to be applied while posting the employees in the District Fazilka. In this regard, a legal notice dated 28.01.2023, Annexure P-9, has been served upon the respondents, which was responded vide letter dated 08.02.2023, Annexure P-10, sent by the DEO, Fazilka to the Director Education Department, Punjab with a copy to the counsel for the petitioner, but no action has been taken, whereupon RTI information was sought regarding the vacancy of post. Thereafter, a representation dated 01.01.2024, Annexure P-13, has been submitted by

him, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to respondent No.2 to decide the same in a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.

4. At the asking of the Court, Mr. Swapan Shorey, DAG, Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.

5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondent No.2 to consider the representation 01.01.2024, Annexure P-13 and decide the same within a period of four months and if found entitled, necessary benefit be granted to him forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner therewith.

(AMAN CHAUDHARY)  
JUDGE

21.02.2024  
Hemant

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