

Neutral Citation No. 2024:PHHC:013915

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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RSA-2258-1993 (O&M)
Date of Decision:01.02.2024

SMT. SUSHILA KUMARI

... Appellant

Vs

DISTRICT EDUCATION OFFICER AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: None for the appellant.

Mr. Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

1. Plaintiff-appellant has filed the second appeal challenging the judgments and decrees passed by both the courts below.
2. Smt. Sushila Kumari, plaintiff-appellant filed a suit for permanent injunction claiming that her name was registered in the District Employment Office at Rewari at serial No.2007 in the year 1986 for the post of Mathematics Teacher and she was selected for the said post but the selection order was never communicated to her. She averred that although the defendants-respondents have shown on the record that she refused to join on account of illness but she never gave it in writing. Her name was struck off and by way of suit she has sought a decree directing the defendants to call her for interview for the post and to appoint her.
3. Upon notice, separate written statements have been filed by

the defendant-respondents submitting that her registration was cancelled on 28.01.1987 after her selection. Although, she has been registered again at serial No.1349 in the year 1988. It was admitted that the plaintiff-appellant was selected for the post of Mathematics Mistress but she wrote that she is not able to join because of her poor health and consequently her name was removed.

4. The suit was filed by the plaintiff-appellant and after framing of issues and leading of evidence by the parties, suit of the plaintiff-appellant was partly decreed by the trial Court vide judgment dated 21.12.1990 and the decree of mandatory injunction was passed directing the respondents-defendants to consider her name at serial No.2007 in the list of year 1986, in the office of DEO, Rewari for the post of Mathematics Teacher. Appeal preferred by the plaintiff-appellant was rejected vide judgment dated 27.08.1993 and the plaintiff-appellant filed the present appeal, which was admitted in the year 1993 and prayer for stay was declined.

5. State Counsel does not have any instructions about the latest position but due to efflux of time, this Court is of the view that the proceedings have become infructuous.

6. Counsel for the appellant has not appeared.

7. This Court has no other option except to dismiss the appeal in default.

8. Dismissed for non-prosecution.

01.02.2024

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No

