



CWP-5503-2000(O&M)

-1-

201

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5503-2000(O&M)
Date of decision:-18.11.2024

Darbara Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr. Bikramjit Singh, Advocate
for petitioner.

Ms. Amrita Garg, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

1. Petitioner has approached this Court under Article 226/227 of the Constitution of India, *inter alia*, for issuance of a writ in the nature of mandamus directing the respondents to appoint him against the post of Punjabi Lecturer.

2. A brief summary of facts leading to the filing of the petition is that the petitioner joined as S.S. Master on 12.02.1985 for 89 days at a Government School at Tarsika, District Amritsar and subsequently he was permanently selected for the said post. Pursuant to applications



201

invited by the respondent – State, petitioner was selected and appointed as a Lecturer vide appointment letter dated 18.08.1994, Annexure P1. The appointment came to be challenged in a number of writ petitions and vide judgment dated 28.09.1994, this Court upheld the selection to the extent of the advertised posts and the services of the persons appointed in excess of the advertised posts were terminated. SLP filed before the Hon’ble Supreme Court was dismissed on 27.08.1997. As there was an urgent need of Lecturers, respondent No.2 appointed all the persons, who were earlier selected on regular basis, including the petitioner, on *ad hoc* basis vide order dated 05.10.1994, Annexure P2. Petitioner joined the post of Lecturer on *ad hoc* basis, but later opted to join back his original post of S.S. Master on 24.01.1995. The respondent – State notified the Punjab Special Recruitment of Teachers Act, 1997 whereby, all teachers who were appointed in the year 1994 whose services were terminated upon the decision of the writ petition, were to be appointed on regular basis against vacant posts. The statute was challenged and by judgment passed in CWP No.18504 of 1997, it was set aside by this Court. The State Government incorporated the Punjab Recruitment of Teachers Act, 1999 (for short “the 1999 Act”), Annexure P5, to accommodate the teachers, who were terminated as a result of a decision of this Court. The posts were re-advertised and the petitioner submitted an application dated 11.01.1995, Annexure P6. Petitioner received a letter dated 07.02.2000, Annexure P10 requiring him to furnish all documents, but an appointment letter was never issued.

**CWP-5503-2000(O&M)****-3-****201**

3. Upon notice, the writ petition has been contested by the respondents by filing a written statement wherein it has been stated that the petitioner never applied for the post within the time fixed by the respondents. Petitioner has filed a replication reasserting his claim.

4. I have heard counsel for the parties and considered their respective submissions.

5. A categoric stand has been taken by the respondents that a direction was issued by the High Court on 04.08.1999 in CWP No.8457 of 1999 to appoint persons like the petitioner on temporary basis and to file an affidavit within two weeks. In deference thereto, a public notice was published in leading newspapers on 18.09.1999 inviting applications from all eligible candidates by 25.09.1999. This application was to be submitted to respondent No.2 and it was specifically mentioned that no claim would be accepted after the due date. Petitioner did not submit his claim up to or on 25.09.1999. He continued working as regular S.S. Master at a Government School at Bal Kalan, District Amritsar on regular basis. No document has been placed on record by the petitioner to show that he had applied within the time specified for the job in the public notice. Reliance placed by the petitioner on the applications submitted by him prior and subsequent to the public notice would not advance his case. As the petitioner failed to apply before the cut off date, he cannot stake his claim to the appointment by filing the instant writ petition.

6. Petition being devoid of merit is hereby dismissed with no



CWP-5503-2000(O&M)

-4-

201

order as to costs.

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

18.11.2024

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**(SUVIR SEHGAL)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No