

2024:PHHC:073035-DB



Neutral Citation No.

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

(114)

LPA-1275-2024 (O&M)

Decided on : 22.05.2024

Bindu

.....Appellant(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr.Rajesh Hooda, Advocate, for the appellant(s).

G.S. Sandhawalia, Acting Chief Justice (Oral)

1. Consideration in the present appeal is to the judgment of the Learned Single Judge dated 27.02.2024 passed in CWP-3619-2024 whereby the writ petitioners/respondents No.7 & 8 herein were given the benefit that they would be considered in terms of the judgments dated 14.11.2022 and 10.01.2023 passed in CWP-8861-2022 titled *Mohit Vs. State of Haryana & others* and CWP-20307-2021 titled *Dharam Pal & others Vs. State of Haryana & others*, respectively, for the posts of TGT (English) as per advertisement No.09/2015 dated 23.07.2015.

2. The appellant herein was not a party to the litigation and has filed an application bearing CM-3056-LPA-2024 under Clause 2 of Chapter I-C of Part-V of the High Court Rules and Orders read with Section 96 and Order XXII of CPC, being aggrieved. Mr.Hooda submits that a review application bearing RA-CW-135-2024 had also been preferred before the Learned Single Judge which was also dismissed on 15.05.2024 merely on the ground that the applicant was not a party in the afore-mentioned writ petition.

3. The grievance of counsel for the appellant is that they have filed CWP-24281-2022 seeking consideration for the said posts and therefore, the filling up of the posts, as undertaken before the Learned Single Judge, would be detrimental to them.

4. We have perused the interim order passed in CWP-24281-2022 titled *Manju Bala & others Vs. State of Haryana & others*, dated 23.11.2022. Mr.Hooda submits that the appellant herein was one of the 3 petitioners in the said writ petition. A perusal of the said order would go on to show that we had already directed that 3 posts shall not be filled up from the said category to preserve the interest of the petitioners, for the reasons recorded therein. In such circumstances, once the interests of the appellant has been protected in a separate writ petition, which is now pending for 17.09.2024, we do not see any plausible reason that the appellant should have any grouse against the disposal of the writ petition whereby concession was given admittedly by the State to the private-respondents/writ petitioners for consideration of their case.

5. The application for filing the appeal also, would thus, be not maintainable as Clause 2(d) of Chapter I-C of Vol-V of the High Court Rules and Orders provide that the appeal can only be filed by a person whose interest arose after the date of such order by reason of any creation of devolution of interest. In such circumstances, we are of the considered opinion that even on merits, the interests of the appellant are duly protected by our order in a separate writ petition and there can be no cause of action that can accrue to her for filing the present appeal.

6. Accordingly, in view of the above discussion the application for granting leave to appeal is hereby dismissed. Resultantly, the main appeal along with all pending application(s) also stand dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

22.05.2024
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No