

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

Sr. No.205

**Civil Writ Petition No.18441 of 2014 (O&M)
Date of Decision : August 30, 2022**

Sangeet Majhotra

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Mohan Lal Singla, Advocate, for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The Department of School Education Punjab issued an advertisement dated 23.09.2009 inviting applications for 7654 posts in the Teaching/Non-Teaching cadre on contract basis inclusive of 78 posts of Vocational Master/Mistress in Computer Science. The petitioner applied for the post of Vocational Master/Mistress in Computer Science in the SC (R&O) category on 25.9.2009 and was invited to take part in the further selection process. For the said post, eligibility prescribed is three years Diploma from State Board of Technical Education with three years Practical/Teaching experience from Government/Non-Government/reputed registered organization. Benefit is provided for higher qualification. Five marks are awardable for the first higher qualification and ten marks for the second higher qualification. A candidate is also entitled to be awarded one mark for each year of experience subject to maximum of ten marks. A merit

list was drawn up wherein, the petitioner was shown at Serial No.150. There being only 78 posts, the petitioner assumed that he had not been selected. The merit list was however, revised on the next day and the petitioner was shown at Serial No.30. However, allegedly, on account of poor internet facilities in the area of the petitioner, he did not see the revised merit list and could not attend the counseling held on 08.12.2009. Thereafter, a notice was issued for a second counseling to be held on 10.07.2011. The petitioner made an application for permission to participate in this counseling as by then he had acquired knowledge of the revised merit list but no order was passed thereupon. Thereafter, the petitioner filed CWP No.6398 of 2012 which was disposed of vide order dated 19.07.2012 with a direction to the respondents therein to consider the representation made by the petitioner. The representation has been considered and has been rejected vide impugned order dated 19.10.2012. The grounds of rejection are that the petitioner has failed to take part in the counseling despite adequate opportunities having been granted and there is no valid reason to grant him another opportunity.

In the written statement filed on behalf of the respondents, apart from averring that adequate opportunities have been granted to the petitioner, it has also been averred that he does not fulfill the eligibility conditions prescribed as he does not possess minimum three years experience. It has also been submitted that the last selected candidate in the SC (R&O) category has secured more marks than the petitioner and that the selection is complete. All posts stand filled up.

Learned counsel for the petitioner has argued that two vacancies exist and therefore, the claim of the petitioner can be considered even at this stage.

Oral submission of the learned counsel for the petitioner cannot be accepted. No such averment has been made in the writ petition. The argument is accordingly rejected.

As there are no vacancies in existence in the category of the petitioner, arguments raised on his behalf in support of his case need not be considered.

The writ petition has no merit and is dismissed.

Pending miscellaneous application, if any, stands disposed of.

August 30, 2022

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No