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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-345-CWP-2024 and CM-346-CWP-2024
in/and CWP-14655-2018 (O&M)
Date of Decision: 29.01.2024

Tejinder Kumar and others
..... Petitioner

Vs.

State of Punjab and others
..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Sameer Sachdeva, Advocate
for the applicants/petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Matter comes up on applications filed by the petitioners placing on record a judgment passed by the Coordinate Bench of this Court dated 13.02.2020 in *CWP-3206-2014 in Dilpreet Singh vs. State of Punjab and others*, wherein this Court passed an order directing for consideration for appointment of petitioner therein, who was lower in merit to the waiting list than the petitioners herein.
2. Main case is taken on board today itself.
3. It is stated that the relief was granted to the concerned petitioner on the ground that he had taken up the grievance before the Court while others had not approached the Court.
4. Learned counsel for the petitioners has further pointed out that in terms of the order passed on 13.02.2020 passed in favour of Dilpreet Singh, the respondents issued appointment order on 28.10.2020. He submits

that so far as the petitioners are concerned, they had preferred earlier writ petitions No.CWP-96-2011 and CWP-49-2011 before this Court, and this Court held the petitioners eligible for the post and directed for consideration of their case as per their merit.

5. In another set of writ petitions filed by the candidates who were possessing qualifications M.A. (English) with B.Ed, this Court allowed their writ petitions and treated them to be eligible. The LPA was preferred against the said order by the State Government and the LPA was allowed holding them ineligible, whereafter the writ petitions were preferred by the petitioners. The writ petitions were disposed of on 26.09.2011 in terms of the order passed in the case of *Sukhpal Rani vs. State of Punjab and another in CWP-4379-2008*, wherein it was directed for considering their cases.
6. Thus, learned counsel for the petitioners submits that the petitioners have been also continuously pursuing their case and they are placed in the waiting list at Sr. No.13 and 5 where the name of Dilpreet Singh was shown at waiting list No.16. Since the said waiting list had been operated upon and Dilpreet Singh has been appointed, the petitioners who had been also pursuing their case since 2011 would be governed by the order passed by the Court in Dilpreet Singh (supra) dated 13.02.2020.
7. Learned counsel for the State submits that so far as Dilpreet Singh is concerned, he did not accept the appointment and did not join. It has been further stated that no candidate is working as English Master lower in merit than the petitioners. From the perusal of the affidavit filed by the respondents, it is an admitted position that so far as

petitioners are concerned, they are higher in merit than Dilpreet Singh who was offered appointment.

8. In the case of Dilpreet Singh (supra), the Court passed the following order:

“9. If that be the factual position, other candidates having not even approached this Court with any grievances since the year 2010 till date, would not have a right for consideration for appointment to the post, especially in the light of the fact that the petitioner has all through been agitating his claim, who are although higher in merit than the petitioner. It is well settled that by the passage of time, right if not agitated would lose its shin and cannot be pressed into service on equity while approaching this Court. Otherwise also, if a suit is now preferred, the same would be barred by limitation.

10. In view of the above, the present writ petition is allowed by quashing the impugned order dated 12.11.2013 (Annexure P-15) Direction is issued to the respondents to consider the claim of the petitioner for appointment to the post of English Master against the available post as per the advertisement dated 29.08.2007 within a period of one month. In case the petitioner is found eligible for appointment to the post, he be issued appointment letter within a further period of three weeks.”

9. The order was not challenged by the State and Dilpreet Singh was offered appointment as is apparent from Annexure P-30 placed on record with the application moved by the petitioners. The appointment order was issued on 28.10.2020 vide offer letter No.20/50-2020 Estt 2 (6), which is as under:

“On the recommendation of the recruitment directorate in light of decision of Hon'ble High Court dated 13.02.2020 in CWP-3206 OF 2014, on your selection as education provider, you are hereby offered appointment against the vacant post of English master, on a consolidated salary of Rs. 5400/- on

contract basis As per the record of the select list, your particulars as under:-

Regd No.	Merit marks	Date of Birth	Category	Place of posting	Remarks
M010-000169	19.755	29.06.1986	General	Will be allotted after acceptance of offer	-

10. It is also an admitted position that there are 32 posts lying vacant in the subject of English which have yet not been filled. No reasons are coming forward on behalf of the respondents that in spite of the LPA having been allowed and the earlier controversy having been settled, why the appointments were not offered to persons who were there in the select list/waiting list. On account of inaction on the part of the respondents, the claim of the petitioners cannot be defeated.
11. Keeping in view that the offer of appointment was issued to Dilpreet Singh, similar offer of appointment shall now be issued to the petitioners if they are otherwise qualified. Necessary orders be passed within a period of one month from today.
12. Writ Petition stands **allowed** in aforesaid terms.
13. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

January 29, 2024
Mohit goyal

1. Whether speaking/reasoned?

Yes/No
2. Whether reportable?

Yes/No