

139 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:141772 DB



LPA No.1589 of 2024 (O&M)

Decided on :24.10.2024

STATE OF PUNJAB & ANOTHR

.....Appellants.

VERSUS

TEJINDER KUMAR & OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. R.S. Pandher, Sr. DAG, Punjab.

Mr. Sameer Sachdeva, Advocate for the respondents.

LISA GILL, J (ORAL)

CM-3722-LPA-2024

There is a delay of 124 days in filing of the appeal.

For reasons mentioned in the application and arguments addressed, it is considered just and expedient to hear the matter on merits rather than dismiss it on technical ground of delay. Accordingly, delay of 124 days in filing of the appeal is condoned.

Application is disposed of accordingly.

LPA No.1589 of 2024

1. Prayer in this appeal is for setting aside order dated 29.01.2024 passed by learned Single Judge whereby writ petition filed by respondents/writ petitioners has been allowed.

2 Respondent Nos.1 to 3/writ petitioners filed CWP No.14655 of 2018 seeking directions to respondents to consider their claim for appointment to the post of Educational Service Providers (English) in view of decision dated 31.10.2012 in LPA Nos.1046 & 1097 of 2012, titled *Dilpreet Singh Vs. State of*

Punjab and Others and Inderjeet Kaur and Ors Vs. State of Punjab and Ors. It is to be noted that advertisement dated 29.08.2007 (Annexure P-14) had been issued by the Department of Secondary School Education, Punjab, seeking applications for appointment to 1000 posts of Educational Service Providers in the subject of English. Writ petitioners had applied for the same and they were reflected in the waiting list. Some writ petitions were filed by candidates who had not studied English as an elective subject in all three years of graduation but had degrees of masters in English. These writ petitions were allowed by learned Single Bench but same were set aside in LPA No.1046 of 2012 and LPA No.1097 of 2012. Review application Nos.48 and 49 of 2012 in the said LPAs were dismissed on 06.05.2016 (Annexure P-23). The matter, thus attained finality. Present writ petitioners preferred CWP No.96 of 2011 and CWP No.49 of 2011 as waiting list was not being operated upon. Said writ petitions were disposed of in terms of earlier cases of *Sukhpal Rani Vs. State of Punjab and Anr., CWP No.4379 of 2008*, which had been set aside in LPA No.1046 of 2012. Present petitioners also filed COCP No.458 of 2012 and subsequently LPA No.773 of 2013 and LPA No. 669 of 2013 as are duly mentioned in the writ petition and orders attached. CWP No.3206 of 2014 was filed by Dilpreet Singh which was allowed on 13.02.2020 (Annexure P-29). It is submitted that Dilpreet Singh is a similarly situated candidate though lower in merit than present writ petitioners. Thus case of writ petitioners was claimed to be on a better footing. It is apparent that it was not brought to notice of the Court at the time of passing of order dated 13.02.2020 in CWP-3206-2014 that persons higher in merit to said Dilpreet Singh were still agitating their claim as is reflected in para 8 of order dated 13.02.2020. The said writ petition was allowed, however, Dilpreet Singh did not join on the post in question.

3. Learned Single Bench allowed CWP No.14655 of 2018 filed by present respondents/writ petitioners while specifically noting that once offer of appointment was issued to Dilpreet Singh who being similarly situated as them was admittedly lower in merit than the writ petitioners, necessary action should be taken in respect to writ petitioners as well. Aggrieved therefrom, present appeal has been filed by State.

4. We have heard learned counsel, however we do not find any ground to interfere for setting aside impugned order 29.01.2024. It is a matter of record that present writ petitioners have been diligently pursuing their claim since many years. Therefore, it cannot be said that they are guilty of any delay or latches or were sleeping over their rights.

5. It is also noted that State did not challenge order dated 13.02.2020, passed in CWP No.3206 of 2014. Writ petition in question had been filed in the year 2018 and was apparently pending at the time of decision dated 13.02.2020. Learned counsel for appellants is unable to point out any ground to distinguish the case of respondents/writ petitioners from that of Dilpreet Singh’s matter.

6. Keeping in view the facts and circumstances as above, this appeal is dismissed with no order as to cost.

7. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

24.10.2024

jyoti3

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No