



CWP-16739-2024 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(117) CWP-16739-2024
Date of Decision : July 22, 2024

Mandeep Kaur .. Petitioner

Versus

State of Punjab and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunil Kumar Bansal, Advocate, for the petitioner.
Mr. Swapan Shorey, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that the petitioner was working in Sant Baba Sewa Singh Memorial Khalsa College (Girls), Nurpur Bedi, Rupnagar since 08.08.2013. While the petitioner was working in the said College as Clerk, the said College was taken over by the Government on 21.12.2016 with the rider that only the candidates who are fulfilling the qualification qua the posts being held by them, their services will be taken over by the Government. The petitioner, who was working as a Clerk, was asked to undergo a type test but, the petitioner failed to clear the same in the first attempt on 27.05.2019. Again, the petitioner underwent the type test and cleared the same on 14.07.2019, after which, the petitioner was absorbed in the College by the Government from the said date.

**CWP-16739-2024****2**

2. The grievance of the petitioner is that the petitioner should be absorbed from the date when the College was taken over by the Government on 21.12.2016 and not from 26.07.2019.

3. Notice of motion.

4. Mr. Swapan Shorey, learned Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondents.

5. Learned counsel for the respondents submits that as the facts are not in dispute, his submissions be taken into consideration while deciding the issue raised by the petitioner.

6. Learned counsel for the respondents submits that once the petitioner appeared for the type test after the College was taken over and failed, it cannot be said that the petitioner fulfilled the requisite conditions/qualification to be absorbed as Clerk, as clearing of the type test is an essential condition imposed when College staff was taken over. Learned counsel for the respondents further submits that the date when the petitioner cleared the type test, she was absorbed by the respondent-State on the post of Clerk and therefore, the grievance being raised by the petitioner that she should have been absorbed from the date the College was taken over, is liable to be rejected.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. As per the conceded fact, the College was taken over by the State with the clear condition that the existing staff, who fulfill the requisite condition/qualification to continue on the post in question, will be absorbed by the State. For the post of Clerk, the type test is must. The petitioner

**CWP-16739-2024****3**

appeared in the type test and failed in his first attempt. On the second attempt, on 14.07.2019, the petitioner cleared the said type test from which date the petitioner was absorbed in the College. Once, the petitioner fulfilled the requisite condition/qualification of the appointment only on 26.07.2019, the petitioner cannot claim that she should be treated as employee of the College w.e.f. the date the same was taken over.

9. Once the petitioner gained the eligibility to continue on the post of Clerk after clearing the type test on 14.07.2019, the petitioner cannot be granted any benefit prior to the said date. The eligibility was only completed by the petitioner on the passing of the type test on 14.07.2019, from which date, the petitioner has already been absorbed hence, the action of the Department in treating the petitioner in service from the date she gained the qualification to continue on the post of Clerk is perfectly valid and legal.

10. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

11. Dismissed.

July 22, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No