



CM-12135 & 12136-CWP-2024 in/&  
CWP-19898-2020 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CM-12135 & 12136-CWP-2024 in/&  
CWP-19898-2020 (O&M)  
Date of Decision :06.08.2024

Gursimrat Singh and another

...Petitioners

Versus

State of Punjab and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Gagan Deep Grewal, Advocate for the petitioners.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab.

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**Harsimran Singh Sethi, J. (Oral)**

**CM-12136-CWP-2024**

Present application has been filed for preponing the date of hearing in the main writ petition, which is fixed for 23.10.2024.

Notice of the application to the counsel opposite.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab accepts notice on behalf of the respondent-State and raises no objection for the grant of prayer as made in the present application.

Keeping in view the joint prayer of the learned counsel for the parties, present application is allowed and the date of hearing in the main writ petition is preponed from 23.10.2024 to today and the same is taken up for hearing.



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As prayed for, application is allowed.

CWP-19898-2020

In the present petition, grievance being raised by the petitioners is with regard to the selection process initiated and completed in pursuance to the advertisement dated 06.03.2020 (Annexure P/9) issued by the respondents by which, posts of ETT teachers were advertised to be filled up.

Learned counsel for the petitioners submits that after the advertisement, a corrigendum was issued by the respondents on 11.11.2020 (Annexure P/12) wherein, service provider/educational volunteers, who are already working with the respondent-State were held entitled for the grant of 01 marks for every year's service experience.

It is noticed that before the selection could be made, selection process came to be challenged before this Court on various accounts.

A Coordinate Bench of this Court while passing order in CWP-3363-2021, titled as, Daljit Kaur and others vs. State of Punjab and others, decided on 08.11.2021 has set aside the selection process including the advertisement.

The judgment of the Coordinate Bench of this Court in Daljit Kaur (supra) was challenged in LPA No.1898-2023 titled as Raman Kumar and others vs. State of Punjab and others, which LPA was disposed of vide order dated 19.12.2023 by passing following order:-

“This appeal is directed against the judgment and order dated 08.11.2021 passed by the learned Single Judge allowing the writ petition filed by the petitioners (respondents No. 4 to 21 herein) quashing and setting aside the



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advertisement dated 06.03.2020 containing the impugned selection criteria alongwith entire selection process including provisional merit list for recruitment to 2364 posts of Elementary Trained Teachers (in short ETT) as also against an order dated 20.10.2023 dismissing RA-CW-331-2021 seeking review of the judgement and order dated 08.11.2021.

Learned counsel appearing for respondents No. 4 to 161, out of whom respondents No. 4 to 21 herein were the writ petitioners in CWP-3363-2021, states that he has instructions to withdraw the writ petition itself and the said writ petitioners do not want to challenge the criteria for appointment to 2364 posts of ETT Teachers.

Learned State counsel, on instructions from Mr. Harpreet Singh, Assistant Director, Education Recruitment Directorate, Punjab, states that the entire selection process is completed and the final result will be declared after eight weeks in terms of the original advertisement which was the subject matter of the writ petition and the present appeal.

Keeping in view of the above statement made by learned State counsel and Mr. Arjun Shukla, learned counsel appearing for respondents No. 4 to 161, no cause of action survives in the writ petition itself.

The present appeal is allowed and the judgement and order dated 08.11.2021 as well as the order dated 20.10.2023 passed by the learned Single Judge are set aside as both the parties are not disputing the criteria laid down in the advertisement for selection to 2364 posts of ETT Teachers.”

In pursuance to the said directions, the respondents have finalized the selection process, against which, the grievance is being raised by the petitioners.

Learned counsel for the petitioners argues that once the statement was given by the respondent-State to make the recruitment as per the original advertisement, the corrigendum which was issued by the Government on 11.11.2020 by which, benefit of experience to the service



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providers/educational volunteers was extended, cannot be taken into account and hence, selection process has been made in breach of statement given by the respondent-State before the Division Bench of this Court in the case of **Raman Kumar (supra)**.

Learned counsel for the respondent-State submits that the selection is being made in terms of the undertaking given by the respondent-State before this Court in **Raman Kumar (supra)** and original advertisement means any corrigendum issued in respect of the said advertisement as the corrigendum relates to the original advertisement only and hence, grievance being raised by the petitioner that undertaking given by the respondent-State in the case of **Raman Kumar (supra)** has not been followed, is incorrect.

Learned counsel for the respondents further submits that detailed speaking order has been passed by the State on 05.06.2024 having endorsement dated 07.06.2024, which order has already been upheld by this Court while passing order in **CWP-14546-2024, titled as, Deepak Kumar and others vs. State of Punjab and others, decided on 11.07.2024** hence, once, the selection process has already been upheld, present petition is liable to be dismissed.

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

The only argument which has been raised by the petitioners is that once, an undertaking was given by the respondent-State to make the selection to the post of ETT teachers on the basis of the initial advertisement, hence corrigendum issued by the respondent dated



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11.11.2020 cannot be taken into account.

It may be noticed that corrigendum has only been issued to supplement the advertisement already issued. Once, the main advertisement remains the same, the corrigendum issued later on becomes part of the advertisement itself and the corrigendum cannot be separated from the advertisement so as to make selection. Hence, corrigendum dated 11.11.2020 is to be treated as part of the initial advertisement only and granting the benefit of experience to the service provider/educational volunteers, who are already working with the respondent-State for more than one decade, cannot be treated as arbitrary as well as cannot be treated in violation of the judgment in the case of **Raman Kumar (supra)**.

Further, a speaking order dated 05.06.2024 having endorsement dated 07.06.2024 passed by the respondents-State deciding the eligibility of the candidates, has already been upheld by this Court while passing order in **Deepak Kumar (supra)**. Once, this Court has already held in **Deepak Kumar (supra)** that there is no violation of order passed by the Division Bench of this Court in **Raman Kumar (supra)** while finalizing the selection process, the grievance raised by the petitioners cannot be accepted.

Even if, prayer of the petitioners is to be accepted that the candidates should not be given one mark for their service experience as per the corrigendum, even then, the petitioners do not come within the merit. A candidate can only be given maximum of 10 marks on account of experience. In the present case, last selected candidate in the category in which, the petitioners are competing has secured 62 marks whereas, the petitioners have only secured between 44 to 46 marks hence, even if, the



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said 10 marks are taken out from the last selected candidate, which has been given on the basis of the corrigendum to the said candidate, even then also, said candidate has secured more marks than the petitioners to still remain in the contention for selection hence, even otherwise, keeping in view the result already prepared, prayer of the petitioners as being raised in the present petition has been rendered academic hence, no relief can be given to them.

Keeping in view the facts and circumstances recorded hereinabove, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

Civil miscellaneous application pending, if any, is also disposed of.

**August 06, 2024**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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