

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115)

LPA-1310-2023
Decided on : 08.04.2024

Paramjeet Kaur & another

.....Appellant(s)

Versus

State of Haryana & others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI

Present: Mr.N.K.Ganga, Advocate for the appellant (s).

G.S. Sandhawalia, Acting Chief Justice (Oral)

1. Consideration in the present appeal is to the judgment passed by the Learned Single Judge in CWP-15933-2023 which was dismissed on 26.07.2023 along with another petition bearing CWP-14681-2023 titled *Neelam Rani Vs. State of Haryana & others*.
2. The relief sought in the writ petition was for quashing of the order date 01.07.2023 (Annexure P-11) whereby the list of candidates had been forwarded to the District Elementary Education Officers by the Director, Elementary Education, Haryana regarding appointment in the second waiting list to the post of P.R.T. before advertisement no.02/2012.
3. The Learned Single Judge came to the conclusion that the writ petitioners were not amongst the wait-list candidates or selected candidates for the post of Primary Teachers pursuant to the said advertisement and noticed that the litigation had come to an end as the Supreme Court had put a quietus to the same since it was decade old litigation. Reliance was placed upon the

judgment passed in SLP (Civil) No(s) 25269/2022 titled *Vikas Kumar & others Vs. The State of Haryana & others*, decided on 13.09.2022 (Annexure P-10) to come to the conclusion that the argument which had been raised in sum and substance would mean interpreting the directions issued by the Supreme Court which exercise could not be done as it would amount to reopening the selection which would not be permissible. Resultantly, the petitioners were given liberty to take recourse to the remedies available in accordance with law.

4. We also had dismissed LPA-308-2023 titled *Anoopam Sharma & others Vs. State of Haryana & others*, on 19.03.2024 in similar circumstances. Relevant portion of the judgment reads as under:

“The said selection has been subject matter of consideration before two Division Benches and eventually it has culminated in the final order passed by the Apex Court. The first litigation in **CWP No.346 of 2013 ‘Antim Kumari Vs. State of Haryana and others’** was decided on 29.04.2015 (Annexure P-4) and other connected cases, wherein the issue was that the candidates who had not taken the test before the cut-off-date whether they could be considered eligible. The second round of litigation had been initiated on account of the concession given by the learned Advocate General by treating them as eligible. Resultantly, on account of the interim orders passed in the second round, the State Government had juggled the list of candidates, whereby even candidates who had not passed the test by the cut-off-date came to the zone of consideration. Resultantly, in **LPA No.912 of 2016 ‘Paramjeet Kaur and another Vs. State of Haryana and others’**, the matter was decided on 20.07.2022 by a Bench headed by one of us G.S. Sandhawalia, J. The matter was then taken to the Apex Court in **SLP No.25269 of 2022 ‘Vikas Kumar and others Vs. State of Haryana and others’** wherein the State Government had again given a concession, as the State was willing to accommodate all the three categories of candidates. Resultantly, certain directions had been issued and eventually, the Apex Court vide order dated 13.09.2022 had

held that 2012 selection will stand closed with the arrangement which had been directed by the Apex Court. Relevant portion of the said order reads as under:-

“(i) The total number of advertised posts i.e. 9870 to be filled up first from the selected candidates declared in the result dated 14.08.2014.

(ii) In the event, the selected candidates from the above category do not join, then the remaining vacancies shall be filled up from the list of waitlisted candidates declared along with successful candidates on 14.08.2014.

(iii) After filling up of the 9870 vacancies as provided above, the 2233 candidates who qualified the HTET after the cutoff date, sometimes in June, 2013 will be appointed as per their inter se merit enbloc below the above 9870 candidates.

(iv) In case, there still remain any waitlisted candidates from the waitlisted list of 14.08.2014, who could not be accommodated in the advertised posts of 9870, will be appointed enbloc as per their merit below the 2233 candidates.

(v) The seniority will be as per their merit position in their respective lists.

(vi) No dispute for seniority would be entertained of any candidate inter se different lists.

(vii) No claim for seniority or for any arrears would be entertained for any period not worked by the candidates of any of the above lists.

(viii) Salary would be paid for the period, for which such candidates have actually worked but not paid salary after due verification of their working both from the records and physically.

(ix) The 2012 selections will stand closed with the above arrangement.

(x) Exercising our powers under Article 142 of the Constitution, we increase the number of advertised posts beyond 9870 to accommodate the candidates as directed above and no more.

(xi) All the appeals are disposed of as directed above.

(xii) The impugned judgment shall stand modified to the aforesaid extent.”

4. A perusal of the abovesaid directions would go on to show that the only concession which was granted by the Apex Court was regarding the candidates who had qualified the HTET after the cut-off-date sometimes in June, 2013.”
5. The factum of the appellants not being in the initial wait-list or in the selection list who were adjusted in pursuance of the orders of this Court is apparent. In such circumstances, once the appellants having never come within the zone of consideration, can have no cause of action for the selection which had been initiated in the year 2012. They also cannot have any grouse against the inter se departmental communication whereby persons who were entitled to or held to be considered for appointment by the Apex Court were being given postings.
6. Resultantly, in view of the above discussion, finding no merit in the present appeal, the same is hereby dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

08.04.2024
Sailesh

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No