

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-28921-2019
Date of Decision: 29.02.2024

Surinder Pal Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM:HON’BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sukhdev Kamboj, Advocate for the petitioner.
Mr. Satnam Preet Singh, DAG, Punjab.

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AMAN CHAUDHARY, J.

1. The present Civil Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official-respondents to consider the claim of the petitioners for selection and appointment to the post of Centre Head Teacher.
2. Learned counsel submits that the petitioners have not been selected/appointed despite being in merit and reasons of which were not intimated to them but orally conveyed that since they were already in Government Service therefore, as per Punjab Recruitment of Ex-servicemen Rules, 1982 they cannot be granted which he submits that is contrary to the advertisement, wherein experience was to be counted of service, which was rendered in Government School either in State or Center.
3. On the other hand, learned State counsel controverts the aforesaid fact by drawing attention of this Court to para 6 of the preliminary submissions of the reply, which reads thus:-

“6. That in reply to the contents of para no. 6 of the writ petition, it is hereby submitted that petitioners wrongly assume that they are fully eligible for appointment as Centre Head Teacher as they have already claimed reservation under Ex-serviceman (Dependent) category as the claimant can claim reservation in this category as Dependent only once in life and they are already in Government service. Rest of the contents of the para are admitted being matter of record.”

4. In view of above, the submissions as sought to be canvassed by the petitioners cannot be countenanced as they have been non-suited on the premise of having already availed of the benefit as dependent of Ex-servicemen once, while entering into service, which thus, cannot be claimed yet again.

5. Learned counsel is unable to give any counter argument, however, submits that insofar as petitioner No.5 is concerned, he has not taken the said benefit, for he prays that liberty be granted to him to make representation, which may be directed to be considered in a time bound manner, to which learned State counsel has no objection.

6. Considering the facts and circumstances of the case, the present petition qua petitioner Nos.1 to 4 and 6 to 9 being sans merit, is hereby dismissed. However, qua petitioner No.5, it is disposed of with a direction that in case he submits a representation within a period of one month, substantiating his claim with documents, the same shall be considered and

decided by the respondents taking into account the pleas raised, within a period of six months and if found entitled, necessary benefit be granted to him forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.

7. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

29.02.2024
pry

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