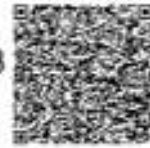


**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

2024:PHHC:151185-DB



(236)

**LPA-2059-2019(O&M)
Date of Decision:19.11.2024**

State of Punjab & another

--Appellants

Versus

Abhishek Garg & others

--Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL.
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA.**

Present:- Mr. Rohit Ahuja, Sr. DAG, Punjab.

Mr. D.S. Patwalia, Sr. Advocate with
Ms. Rishu Bajaj, Advocate for respondents.

LISA GILL.J (Oral)

Present appeal has been filed for setting aside order dated 24.07.2019 passed in CWP-9568-2018 by learned Single Judge, whereby writ petition filed by respondents was disposed of with the observations that in case petitioners, who were permitted to participate in the selection process, if, found meritorious, be accorded the benefit, in accordance with law.

2. Respondent no.2-Board had issued advertisement dated 01.09.2016 inviting applications for various posts of Clerk, Clerk-cum-Data Entry Operator, Steno-typist and Junior Scale Stenographer. The qualification in respect to Punjabi Type Test was provided to be conducted in “Asses or Joy” font. As writ petitioners were proficient in “Unicode Raavi” font and not in “Asses or Joy” font, they did not apply pursuant to advertisement dated 01.09.2016. Written test was notified to be held

on 11.12.2016 but was thereafter postponed due to administrative reasons. However, as per subsequent notice dated 13.06.2017, it was declared that Punjabi Type Test would be taken in “Unicode Raavi” font. The controversy, which, thus, erupted was that candidates such as writ petitioners, who, though proficient in “Unicode Raavi” font could not apply in pursuance to advertisement dated 01.09.2016, were aggrieved of such action having been denied a chance to compete for selection.

3. Notice of motion was issued in CWP-9568-2018 filed by them and they were permitted to participate in the examination provisionally by way of an interim order dated 03.05.2018. Direction was issued to respondents to keep the result in sealed cover which was ultimately directed to be declared. Subsequently, writ petitioners were permitted to participate in counselling as well by way of interim order dated 26.10.2018. Writ petition was ultimately disposed of on 24.07.2019. While referring to order dated 26.10.2018 it was directed as under:-

“2. A perusal of the above order reflects that petitioners were permitted to participate in the counseling process and pursuant thereto if they were found meritorious enough for appointment in their respective categories then equal number of posts were to be kept in abeyance. It was also made clear that the appointments made pursuant thereto shall be subject to the decision of the writ petition.

3. Learned State counsel appearing for respondents No.1 and 2 submits that pursuant to the above order, in order to avoid any confusion, respondent No.2 has kept the entire appointment process qua the petitioners on hold and no appointments are being made.

4. In the premise, the above order is modified /clarified that in case the petitioners have been found meritorious then the benefit of their merit be accorded to them

in accordance with law.

5. Respondents are at liberty to proceed with the process of appointments and order dated 26.10.2018 shall not come in the way of contemplated appointments.

6. Disposed of accordingly.

4. Aggrieved therefrom, present appeal was filed with a delay of 118 days. It is informed that eight out of fifteen writ petitioners were found eligible to be appointed and were so recommended by respondent no.2-Board. Three writ petitioners were given appointment during pendency of this appeal due to pendency of contempt proceedings and rest are still waiting.

5. Learned counsel for State, on earlier occasion was asked to seek instructions in the peculiar circumstances of this case, wherein, admittedly, advertisement dated 01.09.2016 which was issued provided for the Punjabi Type Test to be conducted in “Asses or Joy” font and there was a subsequent change as per notice dated 13.06.2017 for the test to be taken in the “Unicode Raavi” font. Admittedly, both the fonts have a different format and require different expertise.

6. Learned counsel for State refers to memo dated 18.11.2024 to submit that he has instructions from Ms. Amarbir Kaur Bhullar, Secretary, Subordinate Services Selection Board, Punjab through Sh. Harjinder Singh, Senior Assistant, Subordinate Services Selection Board, Punjab, who is stated to be present in Court to withdraw the present appeal.

7. Keeping in view the above facts and circumstances, present appeal is disposed of as withdrawn. Appointment letters to the remaining eligible candidates be issued within a period of four weeks from today. The writ petitioners be afforded the notional benefits without actual arrears

being paid to them.

8. Pending application(s), if any, shall also stand disposed of.

(LISA GILL)
JUDGE

19.11.2024
lucky

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No