

CM-848-CWP-2025 in/and
RA-CW-36-2025 in/
CWP-32683-2024

2025:PHHC:022651



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(119)

CM-848-CWP-2025 in/and
RA-CW-36-2025 in
CWP-32683-2024
Date of Decision : 17.02.2025

Jatinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Supinder Singh Sohi, Advocate for the review-petitioner.

Harsimran Singh Sethi J. (Oral)

CM-848-CWP-2025

Present application has been filed for seeking condonation of delay of 14 days in filing the review application i.e. RA-CW-36-2025.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and delay of 14 days in filing the review application is condoned.

RA-CW-36-2025

The present review petition has been filed on the ground that certain arguments which were raised before this Court, were not considered/noticed while passing the impugned order dismissing the writ petition on 04.12.2024.



It may be noticed that the writ petition was dismissed in the presence of the learned counsel for the petitioner and the order dated 04.12.2024 was dictated in the open Court, which also reflects in the order that the judgment is 'Oral'. Before the Division Bench, learned counsel submitted that all the arguments raised were not noticed and decided by this Court and when asked today in Court, as to whether the judgment was dictated in his presence and whether he raised any objection at the time of conclusion of the judgment dated 04.12.2024 that any of his argument have not been noticed, learned counsel for the petitioner submits that no such objection was taken.

Once, the judgment was dictated in the open Court in the presence of the learned counsel for the petitioner, it cannot be said that any argument of the learned counsel was not noticed while dictating the order and in case, the same was being done, nothing stopped the counsel to insist that his other arguments which were raised, have not been dealt so far while passing the order. In the absence of any such protest by the learned counsel for the petitioner, raising an argument before the Division Bench, is very unfortunate.

As, this Court is required to impart justice, the order dated 04.12.2024 is recalled and the writ petition is being decided afresh.

CWP-32683-2024

1. The grievance being raised by the petitioner in the present petition is that the petitioner competed against the Advertisement dated 06.03.2020 (Annexure P-1) for the post of ETT Teacher. After conducting



the written exam, the shortlisted candidates including the petitioner were called for scrutiny of the documents and the petitioner appeared for the scrutiny of documents but could not get selected keeping in view the merit obtained by the petitioner. The said selection was set-aside by the learned Single Judge in a bunch of petitions (Annexure P-5).

2. The judgment of the learned Single Judge was challenged before the Division Bench and the Division Bench while passing order in LPA No. 1898 of 2023 titled as ***Raman Kumar and others Vs. State of Punjab and others***, decided on 19.12.2023 (Annexure P-6), allowed the Department to finalize the selection in terms of the original Advertisement. Thereafter, the shortlisted candidates were again called for the scrutiny of their documents but the petitioner did not appear and hence she was not considered for the selection to the post in question. The selection was finalized. The candidates who were selected were all having more marks than the petitioner.

3. The petitioner raised a grievance before this Court that as certain posts had remained vacant which are to be filled from the waiting list, the petitioner should be given another chance to appear in the scrutiny on the ground that when the scrutiny was held initially in the year 2021, four chances were given to the absentee candidates to get the documents scrutinized and further that the petitioner remained absent for scrutiny as there was a gap of more than two years between the first scrutiny and the second scrutiny being done on the basis of the order passed by the Division



Bench hence, the petitioner be considered for appointment to the post in question by giving another chance for scrutiny of documents.

4. Learned counsel for the petitioner submits that the petitioner could not appear for the scrutiny as she was stated to be admitted in the hospital on 06.07.2024 and was relieved on the next day and even when the scrutiny was done in June, 2024, the petitioner was advised bed rest vide Annexure P-10.

5. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

6. Some facts are conceded that the petitioner competed for the post of ETT Teacher in pursuance to Advertisement, which was issued in the year 2020. The petitioner was called for the scrutiny of the documents in the year 2021 and though, the petitioner appeared but she was not in the merit. The selection process for the post of ETT Teacher was set-aside by the learned Single Judge of this Court to be done afresh including the issuance of the fresh Advertisement but the said selection process was revived by the Division Bench while passing order in LPA No. 1898 of 2023, decided on 19.12.2023 (Annexure P-6).

7. As the selection was to be made on the basis of a particular criteria, all the candidates were called to appear for the scrutiny of documents again which scrutiny process was never attended by the petitioner. The selection was finalized and a select list was prepared including a waiting list. It is thereafter that the petitioner has approached this Court raising the grievance which have been noticed here-in-before.



8. As far as the first grievance of the petitioner that in the earlier scrutiny, there were four chances given for the scrutiny of the documents to the absentees which is not being given to the petitioner in the second time in the year 2024, it may be noticed that the selection is to be conducted by the State in a manner required and in case the State felt that the required number of candidates could not attend the scrutiny, due to which, posts remained vacant or the candidates against the advertised posts could not be selected, another chance can be given but in the present case by the time the petitioner approached this Court, the candidates against the advertised posts had already been selected and even the waiting list was prepared hence, the claim that at least four chances should be given to a candidate to get the documents scrutinized is not based upon any rule or the past procedure but is to be done keeping in view the facts of each case. Hence, once the respondents on the basis of a particular scrutiny found the eligible candidates against the advertised posts so as to be selected and also to be kept in the waiting list, the argument of the learned counsel for the petitioner that there should be four chances given to clear the scrutiny is not at all maintainable and cannot be accepted.

9. The second argument which has been raised by the learned counsel for the petitioner is that there was two years gap between the first scrutiny and the second scrutiny, which has caused problem as the petitioner failed to keep in touch with the selection process. It may be noticed that no candidate was treated in a manner other than the one in which the petitioner has been treated by the respondents. All the information qua the scrutiny of



documents was put on the official website by the respondents which has been noticed by all the other candidates who have not only appeared for the scrutiny but have been selected or have been put in the waiting list hence, contention that the petitioner should have been informed in a manner other than the one adopted by the respondents cannot be accepted, hence, in case the petitioner remained unaware of the scrutiny due to her own fault, the selection process cannot be re-started again so as to accommodate the petitioner, especially when the selection process for the post in question is already over.

10. The further argument which has been raised by the learned counsel for the petitioner is that the petitioner was not well and, therefore, she could not appear for the scrutiny of documents. This argument of the learned counsel for the petitioner is fallacious as, the same is an after thought. On one hand, the petitioner is stating that she did not come to know about the date of the scrutiny and on the other hand, the petitioner is stating that she could not appear for the scrutiny because she was not well, hence, the different stands being taken by the petitioner to claim relief shows that the petitioner is not truthful to this Court.

11. Further, with regard to the Medical Certificate which has been attached by the petitioner as Annexure P-10 that the petitioner was advised bed rest from 05.06.2024 till 25.06.2024, which was within the date of scrutiny, it may be noticed that the said Certificate is dated 25.06.2024. No Doctor gives a Certificate on the last date giving advise to rest for a period which has already elapsed. The Doctor will only advise for the future course



as to what the patience has to undergo whereas, in the Certificate (Annexure P-10), the advised for bed rest is from 05.06.2024 till 25.06.2024. This shows as to what actions are being taken by the petitioner to secure *prima-facie*, fake Certificates to claim the relief which also shows the conduct of the petitioner that she can go to any extent to claim relief or to hoodwink even the judicial authorities.

12. Further, in one Certificate, the petitioner is being advised bed rest for disc problem but whereas the other Certificates which have been attached are recording the different reasons/treatments than the one related to the disc problem. All the above facts go to show as to how the petitioner has approached this Court and with what motive and whether, the petitioner has been truthful to this Court to seek relief or has mislead this Court so as to arrive at a conclusion that the petitioner was not at fault for not appearing for the scrutiny, which was held in June, 2024.

13. On being asked whether learned counsel has any other arguments to be addressed, learned counsel submits that he has already argued and there are no further arguments to be addressed.

14. No ground is made out for any interference by this Court in the present petition.

15. Dismissed.

February 17, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No