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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-CW-285-2006 (O&M)

in CWP-5790-2000

Date of Decision: 2nd December 2025

THE STATE OF PUNJAB AND OTHERS

.....*Petitioner(s)*

V/s

JASPAL KAUR AND OTHERS

.....*Respondent(s)*

CORAM: **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present Ms. Samdisha Kaur, AAG, Punjab,
for the review-applicant.

Mr. Gaurav Sharma, Advocate,
for the respondents.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This Review Application is filed by the State of Punjab seeking review of order dated 25.04.2006 passed by this Court, whereby the Writ Petition i.e. CWP-5790-2000 was disposed of in terms of the previous adjudication made by this Court in CWP-11309-1997 titled as **Savinderjit Kaur** Vs. **State of Punjab** decided on 15.11.1997 against which Special Leave to Appeal bearing No. 14786 of 1999 was dismissed.

2. The review application has been filed annexing the order passed by the Hon'ble Supreme Court in Civil Appeal No. 1362 of 1998 to submit that the Court had refused to interfere in the matter by declining to exercise its jurisdiction under Article 136 of the Constitution of India, since the respondent was a handicapped teacher. There was no affirmance of the decision of this Court, on merits, by the Hon'ble Supreme Court. Rather, observations were made doubting the correctness of the adjudication made

by this Court which has since been relied upon to grant relief to the respondents.

3. Having gone through the materials on record, we find substance in the contention advanced on behalf of the review-applicant/State of Punjab. Since, the adjudication by the Hon’ble the Supreme Court was not on merits and the Court had refused to interfere only because the respondent therein was a handicapped person and therefore, jurisdiction under Section 136 of the Constitution of India was not invoked, we allow the present review application and recall the impugned order dated 25.04.2006 passed by this Court in CWP-5790-2000.

4. Let the Writ Petition be listed for hearing on merits on 22.01.2026, as per roster.

5. All pending applications in this case, if any, are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

December 2, 2025
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>