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AT CHANDIGARH**

**CWP-25867-2025**

**Date of Decision: 17.09.2025**

Kiranjeet Kaur

...Petitioner

vs.

State of Punjab and others

...Respondents

**Coram :    Hon'ble Mr. Justice N.S.Shekhawat**

Present :    Mr. Gopal Singh Nahel, Advocate  
for the petitioner.

Mr. Satnampreet Singh Chauhan, DAG, Punjab.

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**N.S.Shekhawat J. (Oral)**

1.            The petitioner has filed the present petition under Articles 226/227 of the Constitution of India with a prayer to issue a writ in the nature of mandamus to direct the respondents to appoint the petitioner to the post of ETT (M&B) category, in place of Rekha, whose services have already been terminated vide order dated 03.06.2025 (Annexure P-12) as she had secured the appointment on the basis of a fake Scheduled Caste certificate.

2.            Learned counsel for the petitioner contends that the advertisement dated 05.09.2007 (Annexure P-1) was issued by the respondent-department to fill 9998 posts of ETT Teachers. In pursuance of the said advertisement, the petitioner as well as Rekha d/o Om Parkash had applied for the post of ETT Teachers in Scheduled Caste (M&B) Category. After following the due process, the other candidate i.e. Rekha was selected for the post, whereas the petitioner was kept at the 1<sup>st</sup> place of the waiting list, which is apparent from the RTI information (Annexure P-3). Learned counsel further submits that later on, the

petitioner came to know that Rekha had secured the post on the basis of a fake SC certificate and she submitted a complaint on 19.04.2018 (Annexure P-4) against Rekha for termination of her services. On the basis of complaint dated 19.04.2018 (Annexure P-4), respondent No.2 appointed Assistant Director (Establishment) to conduct preliminary enquiry and it was established that Rekha did not belong to SC category rather she belonged to General Category and the Scheduled Caste certificate had been wrongly issued to her. Later on, on the basis of enquiry report, Deputy Director passed an order dated 21.08.2018 (Annexure P-5) for termination of services of Rekha. Rekha had filed a CWP No.24789-2018 with a prayer to quash the order dated 21.08.2018 (Annexure P-5), whereby her services were terminated. Vide order dated 27.09.2018 (Annexure P-6), this Court directed the respondent-department not to dispense with the services of Rekha and ordered that the interim order would continue during the pendency of the present writ petition. The petitioner also moved an application for being impleaded as a party in the writ petition filed by Rekha before this Court. In the meantime, vide order dated 30.04.2019 (Annexure P-8), this Court observed that the respondents shall not be precluded from passing an order as per law, on the basis of inquiry report, which was stated to have been concluded. However, the same would not be enforced till the next date of hearing. Even as per the regular inquiry, it was established that Rekha had procured a Scheduled Caste certificate illegally and she had secured the appointment on the basis of a fake certificate. Ultimately, on 20.03.2023, CWP No.24784-2018, filed by Rekha was disposed of with a direction to the State to pass appropriate orders in accordance with law after taking into consideration the regular inquiry report and after granting an opportunity of

hearing to the petitioner as per rules of natural justice. Ultimately, no action was taken by the respondents against Rekha and the petitioner approached this Court by way of COCP No.958-2025. Learned counsel submits that after the filing of the contempt petition by her, the services of Rekha were terminated on 03.06.2025. Learned counsel next contends that since the petitioner was first in the waiting list after Rekha, the respondents were under a legal obligation to appoint her on the post of Teacher. Even the petitioner was entitled to be appointed in place of Rekha and due to the fraud played by Rekha, she could not be appointed in the year 2008. He further contends that even though, the petitioner was meritorious and was next in the waiting list under SC (M&B) category, she had a legitimate claim of appointment and the action of the respondent-department is liable to be set aside by this Court.

3. On the other hand, on advance notice, Mr. Satnampreet Singh Chauhan, DAG, Punjab has appeared on behalf of respondents No.1 to 4 and submits that the advertisement was initially issued on 05.09.2007 for filling up the posts of ETT Teacher. Even the process of selection was completed in the year 2008 and the letters of appointment were issued to similarly placed candidates in October, 2008. After the declaration of the result by the respondent-department, the entire process of selection was completed in the year 2013. Learned State counsel further submits that even as per the admitted stand of the petitioner, the first complaint was made by the petitioner on 19.04.2018 (Annexure P-4), on the basis of which the department had decided to proceed against Rekha. Ultimately, in the inquiry report, it was categorically held that she had procured the Scheduled Castes certificate illegally and on the basis of that certificate, she secured employment. Consequently, the services of

Rekha were rightly terminated by the respondent-department. However, the petitioner can never be appointed in place of Rekha as the advertisement was issued way back in the year 2007 and the entire selection process was completed in the year 2013. Even the first complaint was made by the petitioner in April, 2018. Thus, the claim of the petitioner is hopelessly time barred and the petition is liable to be dismissed by this Court.

4. I have heard learned counsel for the parties and perused the record, carefully.

5. In the present case, no doubt, it has been found during the inquiry conducted by respondent-department that Rekha had illegally procured the Scheduled Castes certificate and her services have been rightly terminated by the respondent-department. But the petitioner is claiming her appointment on the basis of a selection process, which was initiated vide advertisement dated 05.09.2007 and had culminated in the year 2013. Thus, the petitioner can never be offered appointment after a delay of almost 17 years of declaration of the result. Even it can never be said that the waiting list, which was prepared in the year 2007 would be alive today, when the matter of the petitioner is being considered for appointment. Even otherwise, even on the date of making the complaint on 19.04.2018, the claim of the present petitioner was hit by the principles of delay and laches. Still further, no candidate can claim appointment as a matter of right in the matters of employment by the State.

6. In view of the above discussion, findings no merits, the present petition is ordered to be dismissed.

(N.S.SHEKHAWAT)  
JUDGE

17.09.2025

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