



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CWP-10646-2018

Date of decision: 08.04.2026

Jagdish Kaur

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Ajun Sawhni, Advocate for
Mr. Manu K. Bhandari, Advocate
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

Mr. H.S. Jugait, Advocate
for respondents No.3 to 5.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking a writ of certiorari for quashing the order dated 02.11.2017 (Annexure P-4), whereby the private respondents have been ordered to be promoted to the posts of Clerk. Further, a writ of mandamus has been sought for directing the respondents to take the type test as prescribed, vide letter dated 23.12.2014 (Annexure P-2) of all the candidates together and further, the respondents may be directed to conduct the type test in a fair and transparent manner by videographing the same.

2. Notice of motion in the present case was issued on 18.09.2018 by passing the following order:-

“The petitioner, who is serving on Class IV post,

undertook the computer typing test in English and Punjabi conducted on 23.10.2017 by the ADGP (Jails), Punjab (respondent No.2) for promotion to the post of Clerks.

The allegation is that respondents No.3 to 5 out of 8, who appeared, were separated from the group and were declared pass, whereas it is alleged that they do not know any typing. The petitioners are ready and willing to deposit any amount as costs before this Court in case their allegations are found to be false.

Notice of motion for 12.11.2018.

Dasti as well.

On the asking of the Court, Mrs. Anu Chatrath Kapoor, Addl. AG, Punjab accepts notice on behalf of respondents No.1 and 2.

Learned counsel for the petitioner undertakes to furnish requisite number of copies of the paper book to the State counsel during the course of the day.”

3. Learned counsel for the petitioner has reiterated the contentions as noted in the above-said order.

4. Written statement by way of affidavit of Lakhminder Singh Jakhar, Deputy Inspector General of Prisons, Punjab, on behalf of respondents No.1 and 2 has been filed, whereby it has been stated as under:-

“3. That the office of deponent conducted Punjabi and English typing test wherein petitioner alongwith other candidates participated on 23-10-2017. It is submitted that for the aforementioned typing test, total 13 candidates were called for 11-10-2017 which was postponed for 23-10-2017 due to administrative reasons. In this regard, intimation was given to all the aforementioned candidates. On 23-10-2017, total 10 candidates had appeared. Aforesaid typing test was conducted in the Head office, Jail Department, Punjab Chandigarh by the committee comprising of Sh. Roop Kumar, Inspector General of Prisons, Sh. Baldev Singh (Representative of Assistant Director, Department of Language, Hindi and Punjabi Cell, Mini Secretariat, Sector 9, Punjab, Chandigarh), Sh. Manjit Singh Kalra, Chief Welfare Officer, Jail Department, Punjab, Chandigarh. On the aforementioned date, petitioner alongwith other candidates appeared and test was conducted in transparent and fair manner. It is pertinent to mention here that the English and Punjabi pages which were to be typed by the candidates appearing

in the test, were prepared by the official of Language Department (which is not under the administrative control of the office of deponent). Further, answer/typing sheets were also checked and result was also prepared by Sh. Baldev Singh (Representative of Assistant Director, Department of Language, Hindi and Punjabi Cell, Mini Secretariat, Sector 9, Punjab, Chandigarh). Thereafter, on 03.11.2017, the result was declared and only four candidates were declared to have passed the test. It is further submitted that the said typing test was conducted as per the instructions and rules notified by the Government of Punjab.

*However, the petitioner failed to qualify the typing test in English as well as in Punjabi Language. Typing sheets in Punjabi and English language are attached herewith as **Annexure R-1 (Colly)** for the kind perusal of this Hon'ble Court.*

4. That the petitioner through her counsel served justice demand notice dated 13-11-2017 to the office of deponent and levelled false and frivolous allegations against the answering respondents.

*However, the office of deponent took sympathetic view and decided to give another chance to the petitioner and another candidate. Petitioner was directed to re-appear on 17-01-2018. Again the same committee who conducted earlier typing test, was deputed to conduct the typing test in Punjabi and English language. But the petitioner again failed to qualify the typing test of Punjabi and English language. **This time the whole test was video-graphed.** Typing sheet of English and Punjabi test are attached herewith as **Annexure R-2 (Colly)**. It is also pertinent to mention here that the typing tests of English and Punjabi languages were prepared and checked by the representative of Assistant Director, Department of Language, Hindi and Punjabi Cell, Mini Secretariat, Sector 9, Punjab, Chandigarh.”*

5. In nutshell, the stand taken by the respondents is that on 23.10.2017, total ten candidates had appeared in typing test, which was conducted in the Head Office, Jail Department, Punjab, Chandigarh, by the Committee comprising of the Inspector General of Prisons, Representative of Assistant Director, Department of Language, Hindi and Punjabi Cell, Punjab, Mini Secretariat, Sector 9, Chandigarh, and Chief Welfare Officer, Jail Department, Punjab, Chandigarh and on the

aforementioned date, the petitioner along with other candidates appeared and test was conducted in a transparent and fair manner. The result of the same was prepared by Sh. Baldev Singh (Representative of Assistant Director, Department of Language, Hindi and Punjabi Cell, Punjab), and the same was declared on 03.11.2017 and only four candidates were declared to have passed the test. Further, the petitioner failed to qualify the typing test in English as well as Punjabi Language. It has further been stated that on receipt of justice demand notice dated 13.11.2017 from the counsel of the petitioner, the department again decided to give another chance to the petitioner and another candidate and the petitioner was directed to re-appear on 17.01.2018. Again the same Committee, who conducted the earlier typing test, was deputed to conduct the typing test in Punjabi and English Language, however, the petitioner again failed to qualify the same and this whole test was videographed.

6. No replication has been filed by the petitioner to deny or dispute the averments made in the written statement.

7. Keeping in view the above and the fact that the petitioner has participated in the test and having failed in the first attempt and even in the second attempt as well, the petitioner has not been able to make out any case for quashing the promotions of respondents No.3 to 5.

8. Consequently, the present writ petition, having no merit, is hereby dismissed.

08.04.2026	(NAMIT KUMAR)
Vinay	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No