



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

212

CWP-6107-2018

Date of decision : 07.04.2026

Malkit Kaur

....Petitioner

V/S

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Alka Chatrath, Advocate with
Ms. Swati Katoch, Advocate for the petitioner.

Mr. Surya Kumar, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The present petition was filed on 28.02.2018 and since 23.01.2019, the matter is being adjourned on the request of learned counsel for the petitioner for filing rejoinder. On 06.05.2025, last opportunity was granted to the petitioner for filing rejoinder. However, no rejoinder has been filed.

2. Learned counsel for the petitioner submits that there is no need for filing any rejoinder.

3. The instant petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking issuance of a writ of certiorari for quashing the order dated 19.02.2018 (Annexure P-14), passed by the District Education Officer (Ele.Edu.), Sri Muktsar Sahib, rejecting the objections raised by the petitioner to the joint seniority list of male and female Head Teachers dated 07.09.2017 (Annexure P-10) placing the petitioner below the persons, who had joined as JBT Teacher during the period from 1990 to 1997 ignoring the fact that the petitioner, who had joined as JBT Teacher on 31.08.1989 in district Bathinda was transferred to district Sri Muktsar Sahib on marriage basis as such in terms of policy dated 11.06.1998 (Annexure P-4) issued in terms of the recommendations of 4th Pay Commission, according to which the

**CWP-6107-2018****-2-**

female teachers could opt for one time change of district cadre of their husband without losing their seniority and for quashing the clarification given vide letter dated 06.11.2017 (Annexure P-12) to the extent of restricting the benefit of instructions dated 11.06.1998 (Annexure P-4) only to those female employees who have been transferred between the period from 11.06.1998 to 20.10.2015. Further, seeking issuance of a writ of mandamus, directing the respondents to promote the petitioner to the post of Centre Head Teacher from the date the Head Teachers junior to her have been promoted on 06.10.2016 as per the seniority list of JBT Teacher circulated vide letter dated 13.05.2015 (Annexure P-5) i.e. by taking her seniority from the date of her joining as JBT Teacher.

4. At the outset, learned State counsel has raised a preliminary objection with regard to the maintainability of the instant petition by submitting that for claiming the same relief, the petitioner had earlier approached the Civil Courts at Sri Muktsar Sahib by filing a suit for declaration to the effect that the plaintiff/petitioner is entitled to be placed at her original seniority in the list of JBT Teachers of Sri Muktsar Sahib instead of losing the seniority after inter district transfer and the said suit was dismissed by learned Civil Judge (Senior Division), Sri Muktsar Sahib, vide judgment and decree dated 17.09.2013 (Annexure R-1). He further submits that there is an active concealment on the part of the petitioner as the fact qua filing of the civil suit has not been disclosed in the instant petition. Therefore, the instant petition is liable to be dismissed with exemplary costs.

5. Faced with this situation, learned counsel for the petitioner wishes to withdraw the instant petition.

6. Dismissed as withdrawn.

07.04.2026*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No