

(2012) 09 P&H CK 0148

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 18479 of 2012 (O and M)

Harmandeep Singh and Another

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: Sept. 18, 2012

Acts Referred:

- Constitution of India, 1950 - Article 14, 16

Hon'ble Judges: Tejinder Singh Dhindsa, J

Bench: Single Bench

Advocate: Alka Chatrath, for the Appellant;

Judgement

Tejinder Singh Dhindsa, J.

The petitioners had applied for the post of Hindi Masters against the B.C category. In the merit determined, petitioner No. 1 secured 66.843 marks and petitioner No. 2 secured 66.64 marks. However, the petitioners could not secure appointment on the ground that the reserved category certificate that they had furnished at the time of submission of application forms was more than one year old. Such issue came up for consideration before this Court in terms of filing of CWP No. 19643 of 2006 titled as Ajay Kumar Bhogal Vs. State of Punjab & another as also other connected petitions. In terms of judgement dated 6.2.2009 passed by this Court at Annexure P-8, it was held that the petitioners cannot be denied consideration for appointment on such basis that the B.C Certificate that had been submitted had not been issued within a period of one year from the date of submission of application forms. There is no dispute as regards the fact that a revised merit list of Hindi Masters (B.C. Category) was, thereafter, issued in which the names of the petitioners are reflected at Sr. Nos. 5 and 9. In pursuance to such revised merit list of candidates the obvious consequence was that certain candidates who were lower in merit and who had been appointed were now to be terminated. Such candidates approached this Court in terms of filing CWP No. 253 of 2010 and in terms of judgement dated 3.3.2010 the bunch of petitions was allowed. The show cause notices issued to such candidates

were set aside and the respondents were directed to allow such petitioners to continue against the available vacancies. However, it was categorically noticed that the seniority of the candidates, who had been held to be higher in order of merit was not to be effected. Learned counsel for the petitioners submits that the grievance as raised in the present petition is that inspite of securing the position higher in merit the consequential orders of appointment to the post of Hindi Master have not been issued to the petitioners till date. Counsel submits that such action is clearly arbitrary and violative of Articles 14 & 16 of the Constitution of India.

2. Learned counsel for the petitioners refers to a legal notice dated 7.3.2012 (Annexure P-15) that already stands served upon the respondent-authorities.

3. In the light of the averments made in the petition, I deem it appropriate to dispose of the present petition with direction to the respondent-authorities to consider the claim of the petitioners and decide the legal notice dated 7.3.2012 (Annexure P-15) strictly in accordance with law and by passing a speaking order within a period of four months from the date of receipt of a certified copy of this order. Petition disposed of.