

LPA-867-2025 (O&M)

2025:PHHC:041801-DB



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

LPA-867-2025 (O&M)
Date of decision: 25.03.2025

JATINDER KAUR

..... Appellant(s)

Versus

STATE OF PUNJAB AND OTHERS

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Arkash Mani Garg, Advocate
for appellant.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 17.02.2025 whereby CWP-32683-2024, filed by appellant-writ petitioner has been dismissed by learned Single Bench.

2. Brief facts necessary for adjudication of the matter are that CWP-32683-2024 was filed by appellant-writ petitioner seeking a direction to respondents to conduct scrutiny of her documents and consider her as a waiting list candidate, in case, such list has been prepared for recruitment of ETT Teachers as per advertisement dated 06.03.2020. Applications for appointment to the post of ETT Teachers (1664 vacancies) were sought vide advertisement dated 06.03.2020. Present appellant submitted her application form being eligible. She took written examination conducted on 29.11.2020. However, she was not called for scrutiny of her documents in the year 2021 as total marks secured by her (62)

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were below the cut off. Vide order dated 08.11.2021 in CWP-3363-2021, entire recruitment process was quashed by Single Bench of this Court, however, LPA-1898-2023, titled '*Raman Kumar and others Vs. State of Punjab and others*' was allowed on 19.12.2023 while noting that writ petitioners in CWP-3363-2021 themselves did not wish to challenge the criteria for appointment to the posts of ETT Teachers (which had been subsequently increased to 2364 posts) and that they wish to withdraw the writ petition itself. Stand of the State is duly noted in the said order as under:-

“Learned State counsel, on instructions from Mr. Harpreet Singh, Assistant Director, Education Recruitment Directorate, Punjab, states that the entire selection process is completed and the final result will be declared after eight weeks in terms of the original advertisement which was the subject matter of the writ petition and the present appeal.”

3. In view of the position as above, appeal was allowed and decision of learned Single Bench was set aside as both the parties did not dispute the criteria laid down in the advertisement which had been the ground for setting aside of selection to the post of ETT Teachers. Subsequent thereto, process of scrutiny of candidates as are mentioned in notice dated 07.06.2024, was initiated. This notice was duly uploaded on the portal of respondents. It is the case of appellant-writ petitioner that she could not participate in the scrutiny process from 12.06.2024 to 20.06.2024 as she was medically indisposed. Moreover, notice was not published in a proper and effective manner. It was also pleaded that at the time of earlier scrutiny as many as four chances were given for scrutiny of documents to the absentees which was not the situation in the year 2024. Therefore, it was incumbent upon the authorities to have afforded as many opportunities. These

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averments were found to be devoid of any merit and writ petition filed by appellant-writ petitioner was dismissed on 04.12.2024. LPA-99-2025, filed by her for challenging the same was dismissed as withdrawn on 16.01.2025 with liberty to file a review petition in regard to certain arguments which were stated to not have been considered. Application for review was allowed while duly noting that order dated 04.12.2024 had been dictated in open Court and there was nothing to stop the learned counsel from raising any arguments. However, in the interest of justice, order dated 04.12.2024 was recalled and writ petition decided afresh. Yet again no merit was found in the arguments as raised. Each and every argument was dealt with by learned Single Bench in detail. Aggrieved therefrom present appeal has been filed.

4. Learned counsel for appellant vehemently argues that action of respondents in not affording as many as four chances for scrutiny as was done at the earlier instance, is an illegal and arbitrary exercise. Appellant who was medically indisposed at the relevant time i.e. from 12.06.2024 to 20.06.2024, would have been able to participate in case such an opportunity was afforded. It was further contended that there was a gap of two years between first and second scrutiny, due to which appellant had failed to keep in touch with selection process. Positive discrimination, in any case, has been dealt with by not affording same number of chances for scrutiny. It is thus prayed that this appeal be allowed, impugned order dated 17.02.2025 be set aside and writ petition be allowed as prayed for.

5. We have heard learned counsel for appellant and have perused the file with his able assistance.

6. It is a matter of record that appellant-writ petitioner had participated in the selection for post of ETT Teachers, pursuant to advertisement dated

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06.03.2020. However, she did not qualify in the merit prepared at the first instance. Entire selection was set aside by learned Single Bench of this Court at the instance of petitioners who had been unsuccessful in the selection. Admittedly, appellant was not one of the said petitioners.

7. Selection process was set aside vide decision dated 08.11.2021 by learned Single Judge in CWP-3363-2021, titled '*Daljit Kaur and others Vs. State of Punjab and others*' alongwith connected writ petitions. Said writ petitions had been filed by unsuccessful candidates challenging the selection criteria to be inherently flawed with incurable illegality. LPA-1898-2023, challenging said decision dated 08.11.2021, was allowed on 19.12.2023 in view of original writ petitioners not wishing to challenging the criteria for appointment to posts of ETT Teachers any longer.

8. Grievance raised by appellant is that firstly she did not come to know about the date of scrutiny conducted subsequent to passing of order dated 19.12.2023 as she could not keep in touch with selection process, with two years having passed since the first scrutiny. It is also the case of appellant that she could not appear for scrutiny because she was not well and that as a number of opportunities had been afforded for scrutiny at the first instance, same procedure should have been followed at the subsequent stage. Number of vacancies had been increased, therefore, there was a chance that she may have been selected.

9. In our considered opinion, there is no merit whatsoever in the arguments so raised by learned counsel for appellant and the same have been correctly rejected by learned Single Bench vide impugned order dated 17.02.2025. It is a matter of record that information in respect to scrutiny of documents was put up on the official website by respondents pursuant to which other candidates appeared for scrutiny. Selection was completed after subsequent

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litigation which had ensued. Moreover, arguments raised on behalf of appellant that she could not appear for scrutiny because she was unwell, is antithesis to the argument that there was no due publication regarding scrutiny held after passing of order dated 19.12.2023. There is no merit in these arguments, which are accordingly rejected. Furthermore in respect to the contrary medical certificates, learned Single Bench has observed as under:-

11. Further, with regard to the Medical Certificate which has been attached by the petitioner as Annexure P-10 that the petitioner was advised bed rest from 05.06.2024 till 25.06.2024, which was within the date of scrutiny, it may be noticed that the said Certificate is dated 25.06.2024. No Doctor gives a Certificate on the last date giving advise to rest for a period which has already elapsed. The Doctor will only advise for the future course as to what the patient has to undergo whereas, in the Certificate (Annexure P-10), the advised for bed rest is from 05.06.2024 till 25.06.2024. This shows as to what actions are being taken by the petitioner to secure prima-facie, fake Certificates to claim the relief which also shows the conduct of the petitioner that she can go to any extent to claim relief or to hoodwink even the judicial authorities.

12. Further, in one Certificate, the petitioner is being advised bed rest for disc problem but whereas the other Certificates which have been attached are recording the different reasons/treatments than the one related to the disc problem. All the above facts go to show as to how the petitioner has approached this Court and with what motive and whether, the petitioner has been truthful to this Court to seek relief or has misled this Court so as to arrive at a conclusion that the petitioner was not at fault for not appearing for the scrutiny, which was held in June, 2024.”

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10. We have also perused medical certificates attached with writ petition and do not find any infirmity with the above observations of learned Single Bench. In the given factual matrix, we do not find any merit in the argument raised by learned counsel for appellant that another opportunity for scrutiny of documents should be provided to appellant.

11. Learned counsel for appellant is unable to point out any infirmity, irregularity or perversity in the impugned order dated 17.02.2025, passed by learned Single Bench, which is accordingly upheld.

12. No other argument has been addressed.

13. Keeping in view the facts and circumstances as above, this appeal is accordingly dismissed with no order as to cost.

(LISA GILL)
JUDGE

(ALOK JAIN)
JUDGE

25.03.2025

Sunil

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No