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

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CWP-36328-2019 (O&M)

Date of decision: 04.03.2025

Poonam Rana and another

..Petitioners

Versus

State of Punjab and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr. Sukhdev Raj Kamboj, Advocate and  
Ms. Arshi, Advocate for the petitioners.

Mr. Swapan Shorey, DAG, Punjab.

Mr. Parvesh K. Saini, Advocate for respondent Nos.4 and 5.

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**AMAN CHAUDHARY, J. (Oral)**

1. Prayer made in the present petition is for quashing the order dated 15.03.2019 whereby claim of the petitioner for appointment to the post of Lecturer in Physical Education, has been rejected.

2. Learned counsel submits that the petitioners had filed CWP-40598-2018 which came up for hearing on 15.01.2019 (Annexure P14) and time was sought by learned State counsel to assist and on 08.02.2019 (Annexure P15) based on a statement, it was disposed of as such:-

“Learned State counsel submits that plea of the petitioner shall be considered in light of judgment, Annexure P-6 within six weeks. In case any adverse order shall be passed, same shall be conveyed to the petitioner forthwith.

In view of above, no further direction is necessary. Petition is disposed of.”

3. The speaking order as impugned in the present case was passed on 15.03.2019 (Annexure P16) purportedly in terms of the above but instead of considering the case of the petitioners who as admitted in the said order, were

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within the zone of selection at the relevant time, petitioner No.2 being at Sr. No.1 in the category of Ex-Servicemen (General) for which two posts were advertised, respondents have gone above and beyond to reject the claim on delay and latches, instead considering in light of judgment (Annexure P6) passed by the Division Bench in a batch of petitions with lead case bearing CWP-19-2007 dated 13.08.2008, operative part whereof reads thus:-

“Keeping in view the fact that the petitioners, at the threshold of consideration were ousted from consideration in violation of the provisions of Articles 14 and 16 of the Constitution of India, we are inclined to direct the respondent authorities to consider and determine the comparative merits of the petitioner(s) without quashing selection of any of the selected and appointed candidates. If the petitioners are found more meritorious than the candidates appointed in their respective categories, the petitioners shall be appointed forthwith with effect from the date the candidates lower in merit was/were appointed, with continuity of service and notional service benefits only. If in the process of such appointments of the petitioners, the appointment(s) of already appointed candidates is to be cancelled, then the same shall be done after following due process of law. Respondents, shall however, be at liberty to accommodate them against any posts lying vacant.

Ordered accordingly.

The aforesaid with petitions stand disposed of in the terms indicated above.”

4. Furthermore, those who were lower in merit and were to be ousted by issuing show cause notice as per the above observations, filed CWP-1332-2012 titled as Rajnish vs. State of Punjab and others, which was disposed of on 12.12.2017 along with other cases by recording the statement of learned State counsel therein that they were to be adjusted against posts that were still available as mentioned in affidavit dated 14.03.2017 filed in response to order dated 31.01.2017 passed by this Court, relevant of which reads thus:-

“The services of the petitioners were terminated just to make places for those persons who were higher in merit as per orders passed in CWP Nos.11688 of 2006 and 19 of 2007. It has also been brought to the notice of this Court by learned State counsel that certain posts are still available with respondent department of the category

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to which petitioners belong as per affidavit dated 14.03.2017 filed in response to order passed by this Court on 31.01.2017.

In case the posts are available then the claim of the petitioners be reconsidered for appointment against those posts. It is also directed that the petitioners shall be entitled for all benefits. However, the respondents are at liberty to consider the claim of seniority of the petitioners separately. The impugned order of termination is hereby set aside.

Disposed of with the aforesaid said directions.”

5. In wake of the aforesaid, learned State counsel, on instructions from Mr. Shashi Garg, Asstt. Registrar, Department of Education, who is present in Court, states that the order impugned will be withdrawn forthwith and matter shall be considered and decided, within a period of 8 weeks, in letter and spirit of the judgment dated 13.08.2008 (Annexure P6) as mentioned in order dated 08.02.2019 (Annexure P15).

6. The aforesaid satisfies the learned counsel for the petitioners.

7. Disposed of accordingly.

( AMAN CHAUDHARY )  
JUDGE

04.03.2025

Hemant/ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No