



CWP-4375-2012 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

262/3

CWP-4375-2012 (O&M)  
Date of Decision: 05.03.2025

Suvidha Sharma

..... Petitioner

Versus

Chandigarh Administration and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA  
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Aalok Jagga, Advocate  
for the petitioner.

Mr. Amit Jhanji, Sr. Advocate, assisted by  
Mr. Ashish Rawal, Advocate and  
Mr. Abhishek Premi, Advocate for respondents No.1 and 2.

Mr. Rajdeep Singh Cheema, Advocate  
for respondents No.3 and 4.

Mr. Rajiv Atma Ram, Sr. Advocate, assisted by  
Ms. Shreya Kaushik, Advocate  
for respondent No.5.

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**SANJEEV PRAKASH SHARMA, J (ORAL)**

**CM-3862-CWP-2013**

This is an application for amendment of the writ petition.

For the reasons stated in the application, the same is allowed.

We find that the reply and pleadings relating to amended writ petition have been filed by respondents No.3 and 4 and respondent No.5. So far as Chandigarh Administration is concerned, they have not filed reply to the amended writ petition.



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**CM-13070-CWP-2015**

This is an application for impleadment of the State of Punjab, Department of Education as party respondent to the writ petition and also prayer to take amended memo of parties on record. However, we find that vide order dated 29.04.2014, identical application (CM-5297-CWP-2014) for impleadment of State of Punjab was dismissed by this Court and no challenge was made to the said order before any superior Court.

In view thereto, the present application suffers from *res judicata*. Though, fresh impleadment application impleading some other party can be moved, but for seeking impleadment of the same party whose earlier application stood already dismissed, would be hit by the principles of *res judicata*.

We have also noticed that in the subsequent application moved, mention relating to earlier application having been dismissed, is also consequently missing. We, therefore, dismissed the present application.

**Main Case**

1. Preliminary objections have been made by learned senior counsel appearing for the newly appointed respondent No.5 that the challenge to the vires of the Rule is also not maintainable in the present petition as the Rule was framed by the Government of Punjab and since the State of Punjab is not a party in the petition, the writ petition preferred by the petitioner would not be maintainable. He further submit that the respondent was appointed by way of direct recruitment in terms of the advertisement (Annexure P-3), which was challenged by the petitioner. Respondent No.5 was appointed on 16.09.2013 and she joined on



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18.09.2013. The petitioner is thus holding a post of TGT while the respondent is holding a post of PGT. Therefore, he submits that the present petition has been rendered infructuous.

2. Learned counsel for the petitioner submits that at the initial stage, he had approached the Court when only the advertisement had been issued. He was claiming that the post should be filled only by way of promotion. However, we find that the Rule assailed before us is framed by the Government of Punjab which is not a party to the present petition.

3. In view thereto, we, do not find any reason to continue hearing arguments on this petition as in the absence of State of Punjab, no decision can be taken against them *ex parte*. Accordingly, the writ petition is dismissed.

4. The pending misc. application, if any, shall stands disposed of accordingly.

**(SANJEEV PRAKASH SHARMA)**  
**JUDGE**

**(MEENAKSHI I. MEHTA)**  
**JUDGE**

**05.03.2025**  
*D.Bansal*

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No