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Usha Devi Vs. State of Punjab and Others

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Court : Punjab and Haryana

Decided On : Mar-06-2014

Appellant : Usha Devi

Respondent : State of Punjab and Others

Judgement :

CWP No.1298 of 1992 -1- IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH ***** CWP No.1298 of 1992 (O&M) Date of decision : March 06, 2014 ***** Usha Devi .....Petitioner Versus State of Punjab and others .....Respondents CWP No.3831 of 1992 ***** Naresh Kumari .....Petitioner Versus State of Punjab and others .....Respondents ***** CORAM: HON'BLE Mr.JUSTICE RAJESH BINDAL ***** Present: Mr.Arihant Goyal, Advocate for the petitioner(s).Ms.Sudeepti Sharma, Deputy Advocate General, Punjab.

***** RAJESH BINDAL, J.

This order will dispose of two petitions bearing CWP Nos.1298 and 3831 of 1992, as common questions of law and facts are involved.

However, the facts are being taken from CWP No.1298 of Kukreja Ritu 2014.03.10 12:24 I attest to the accuracy and integrity of this document Chandigarh CWP No.1298 of 1992 -2- 1992.

The petitioner, who was applicant for the post of JBT Teacher, has filed the present petition challenging the appointment of private respondents.

According to the petitioner, the private respondents were less meritorious.

In response to the contentions raised in para 6 of the writ petition, respondent no.3 in the reply filed on behalf of respondents No.1 to 4, stated as under: 6.

Denied.

The contention of the petitioner is wrong, incorrect and misleading.

The selection has been made on the basis of merit of the candidates.

It is submitted that the respondent no.5 to 8 have been selected on the basis of their merit.

It is further submitted that the selection of male and females candidates was to be made in the ratio of 60:40 respectively (60 men and 40 women).The selection of one category has nothing to do with the selection of otheRs.so the merit of respondent no.6 and 8 being male cadre cannot be considered with the merit of the petitioner (being female cadre) because the seniority of male and females teachers is maintained separately.

In respect of respondents No.5 and 7, it is submitted that respondent no.5 being candidate of Sports Category cannot be compared with the merit of petitioner being general female cadre and Kukreja Ritu 2014.03.10 12:24 I attest to the accuracy and integrity of this document Chandigarh CWP No.1298 of 1992 -3- respondent no.7 has been selected on the basis of the merit of the candidate.

The petitioner Smt.

Usha Devi secured 42.06 and whereas Jinderpal Kaur (respondent no.7) secured 47.64.

Hence the selection is on merit again.

(Comparative statement of petitioner and respondent no.7 is attached as Annexure R-1).A perusal of the aforesaid stand taken by the respondents in the reply shows that petitioner is less meritorious than the selected candidates.

The aforesaid fact is not disputed by the petitioner by filing any replication.

Considering the stand taken by the respondents in the reply, in terms of which the petitioner is not able to make out a case that any person, who is lower in merit, has been appointed, the writ petition is, dismissed.

March 06, 2014 (RAJESH BINDAL) ritu JUDGE Kukreja Ritu 2014.03.10 12:24 I attest to the accuracy and integrity of this document Chandigarh

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