

Dand

W3 ~~*W3 AW-7*~~

~~*W-13*~~

Pending for _____

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

The State of Haryana through Financial Commissioner and Principal Secretary to Government Haryana Education Department, Chandigarh.

- 2. The Director Secretary Education Haryana, 30 Bays Building Sector 17 Chandigarh.*
- 3. Haryana Staff Selection Commission, Bay No. 67 to 70 Sector 2, Panchkula through its Secretary.*

19-7-10

SUBJECT: CIVIL WRIT PETITION No. 17237 OF 2008

DA

Ms. Sakshir Kaur

..Petitioner(s).

VERSUS

Put it on file

Ms. Jyoti Kaur

..Respondent(s).

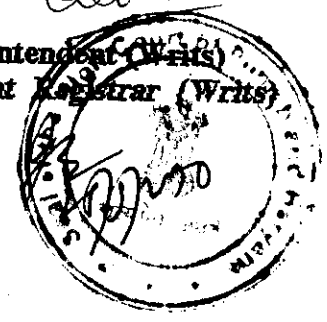
Sir,
In the continuation of this Courts order dated ~~17/7/2008~~, I am directed to forward herewith a copy of order dated 20/4/2010 passed by the Hon'ble High Court in the above noted Civil Writ Petition, for immediate strict compliance.

DA
S.M.R.L

Given under my hand and the seal of This Court on 25th day of May 2010.

BY ORDER OF THE PUNJAB AND HARYANA HIGH COURT, CHANDIGARH.

[Signature]
Superintendent (Writs)
for Assistant Registrar (Writs)



265592
26 SEP 10 36

3

IN THE PUNJAB AND HARYANA HIGH COURT CHANDIGARH.

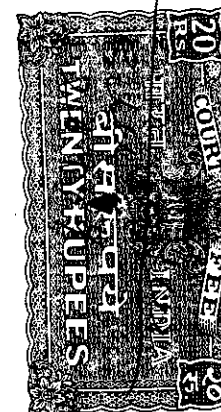
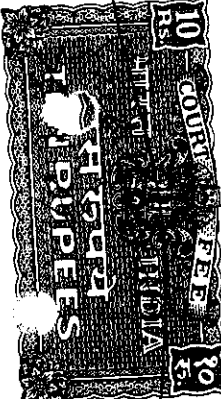
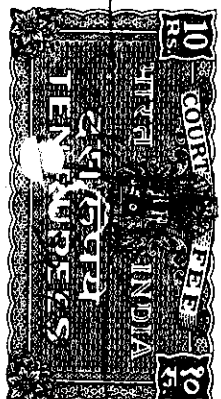
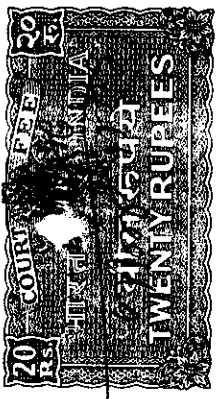
Desk No. _____

Cd 17237/08

Ms. Sukhbir Kaur aged 33 years daughter of Baldev Singh and wife of Rajinder Singh resident of Village & P.O. Shahpur District Ambala Haryana.

Petitioner.

Versus.



1. The State of Haryana through Financial Commissioner and Principal Secretary to Government Haryana Education Department, Chandigarh.
2. The Director Secondary Education Haryana, 30 Bays Building Sector 17 Chandigarh.
3. Hasryana Staff Selection Commission, Bays No. 67 to 70 Sector 2, Panchkula through its secretary.
4. Karnail Singh Roll No. 379 candidate recommended for the post, care of Hasryana Staff Selection Commission, Bays No. 67 to 70 Sector 2, Panchkula through its secretary.
5. Hansraj Singh Roll No. 292 candidate recommended for the post, care of Hasryana Staff Selection Commission, Bays No. 67 to 70 Sector 2, Panchkula through its secretary.

Respondents.

Civil Writ Petition under Article 226 Constitution of India for issuance of Writ or directions in the nature of mandamus directing respondent No. 1 to reserve one post out of two posts of Lecturer (Punjabi) for female belonging to Scheduled Castes in selection of persons for 12 posts Lecturer (Punjabi) in Class II Service of Lecturers in Haryana State School Education Service Group C Result declared by respondent No. 3 for selection to 12 posts of Lecturers (Punjabi) and published in The Tribune Chandigarh on 6th September 2008.

AND

4

For issuance of a writ or directions to respondent No. 1 to included back log of or carried forwarded unfilled reserved posts for Scheduled Castes of Lecturers Punjabi in Haryana State School Education Service Group C.

Respectfully showeth as follows:

1. That petitioner is citizen of India. She belongs to Ramdasi Caste which is recognized as Scheduled Caste in State of Haryana.
2. That 20 % of posts are reserved for Scheduled Castes in all direct recruitments to Class I, Class II, Class III and Class IV posts in State of Haryana.
3. That respondent No. 1 State of Haryana has number of Senior Secondary School in the State. In these school there are large number of posts of Lecturers in Punjabi language. The existing strength of such lecturers in Punjabi language is not less then 30. These posts are in Haryana State Education School Cadre (Group C) Class II. There is reservation of 20% in direct recruitment for Scheduled Castes for these posts through direct recruitment.
4. That vide Notification dated 12.6.2006 State of Haryana amended the Haryana Education School Cadre (Group C) to which the service of lecturer belong, reserved for women 33% of posts. (ANNEXURE P/1)
5. That on 20th July 2006 respondent No. 3 issued (ANNEXURE P/2) advertisement No.6/2006 Category No. 10 inviting applications for Lecturer Punjabi. The particulars of the advertisement of this category are as follows:

Category No. 10 12 Posts of Lecturers Punjabi.

General 8, S.C. (A) 1 S.C.(B) 1, BC 1, Esm. 1.

Essential Qualifications	<p>i) M.A. Punjabi with atleast 50\$ marks from recognized University.</p> <p>ii) Knowledge of Hindi upto matric standard.</p>
--------------------------	--

In the High Court for the States of Punjab and Haryana at Chandigarh

CWP No.17237 of 2008

Date of decision: April 20, 2010

Sukhbir Kaur

..Petitioner.

Versus

State of Haryana and others.

..Respondents

Coram: Hon'ble Mr. Justice Permod Kohli

Present: Mr. Shamsheer Singh, Advocate
for the petitioner.
Mr. R.S. Kundu, Addl. A.G. Haryana
for the respondents

Permod Kohli, J. (Oral)

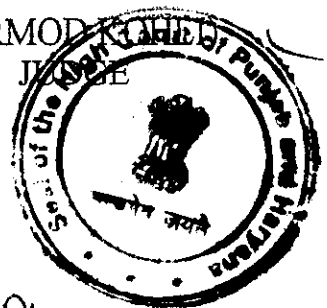
Vide advertisement No.6/2006 dated 20.7.2006, applications were invited for the post of Lecturer in Punjabi. As many as 8 posts were advertised under general category, one in SC(A), one in SC (B), one in BC and one Esm. In terms of another notification dated 12.6.2006, reservation has been made to the extent of 33 % for women candidates. The petitioner claiming to be eligible, applied for the post of Lecturer in Punjabi, claiming to be a S.C. Candidate. After adopting short listing criteria, the candidates including petitioner were called for interview. Respondent Nos.4 and 5 have been selected under the Scheduled Caste category against the two vacancies reserved for these categories. The grievance of the petitioner is that as against 33 % posts reserved for the women, only three candidates have been selected under general category and the petitioner, the alone S.C. female candidate has been denied appointment in contravention of the government policy.

Separate replies have been filed by respondent Nos.1,2 and 3 respectively. According to the reply filed by the State against 33 % female category posts there are only two posts meant for Scheduled Caste category, no vacancy could be given to the female candidate against the 33 % of the quota. Had there been three posts, one vacancy could have gone to the female candidate. It is further mentioned that as and when the posts of Punjabi Lecturer will be available in the ratio o 2:1 that would be advertised and the female candidates will be considered under the reserved categories.

The claim of the petitioner is that out of the total 12 vacancies, four vacancies could have gone to the female, whereas only 3 female candidates have been selected/appointed in the general category. It is accordingly contended that if one more vacancy is given to female candidate, the petitioner being sole scheduled caste candidate can be considered against this vacancy. From the break up of the vacancy position it appears that as against 8 posts in the general category, three posts have been given to females, which comes to more than 33 %. There are two posts reserved for scheduled caste and thus no female category candidate could be adjusted. So far as BC and Esm. candidates are concerned, there is only one vacancy in each category and thus no vacancy could be given to the female candidate against 33 % female quota for S.Cs. In view of above position there is no violation of any rule of law.

No merit in this petition. Dismissed. *Sd/-*

(PERMOD)



April 20,2010
nk

*Handed
20/5
25/5/10*

*True copy
Beena Salhotra
Examiner 18/6/2010*