

(2010) 12 SHI CK 0064
In the High Court Of Himachal Pradesh
Case No : CWP No. 3025 of 2010

Babita Rana

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 13-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0064

Hon'ble Judges : Surjit Singh, J

Bench : Single Bench

Judgement

Surjit Singh, J.—Petitioner's father is an ex-serviceman. There were some vacancies of Trained Graduate Teachers (Medical), in Education Department of State of Himachal Pradesh. Certain posts were reserved for ex-servicemen. Rules and Instructions, relating to reservation for ex-servicemen, provide that where ex-servicemen themselves are not available to be appointed against the posts reserved for them, their dependant sons, daughters and wives can apply against those reserved posts.

2. Petitioner's father, an ex-serviceman, being not eligible for the post of Trained Graduate Teacher (Medical), she, being dependent daughter, applied for the post. She was interviewed on 1st August, 2009. On 19th September, 2009, Petitioner got married. Result of interview for the post of Trained Graduate Teacher (Medical) was declared in November, 2009 or say after the marriage of the Petitioner. Petitioner's result has not been declared. When she made enquiries, she was told that she, being married, was not considered for appointment. So, she has approached this Court, by means of the present petition, seeking a writ of mandamus to the Respondents to appoint her against the post of Trained Graduate Teacher (Medical), reserved for wards of ex-servicemen.

3. In the reply, it is stated by the Respondents that though the Petitioner was eligible for appointment against the post reserved for wards of ex-servicemen category, yet on account of her having married on 19th September, 2009, she became ineligible for appointment and it is for this reason that neither her result

has been declared nor has she been appointed.

4. I have heard learned Counsel for the Petitioner as also the learned Assistant Advocate General and gone through the record.

5. Eligibility of a candidate is required to be seen not on the date when the result is ready for declaration or appointment is sought to be made, but at the time of making of the application, or in any case when the test/ interview, for selecting the candidate is held.

6. In the present case, interview was held on 1st August, 2009. Petitioner was unmarried on that date and, hence, eligible, as conceded in para-6 of the reply filed by the Respondents. Now, if she was eligible on the date of the interview and was interviewed and selected, her appointment could not have been withheld. Consequently, writ petition is allowed and the Respondents are directed to declare the result of the Petitioner, treating her as a candidate against the post reserved for ward of ex-serviceman and in case she is selected she be considered for appointment to the post of Trained Graduate Teacher (Medical). Order be complied with within six weeks.

Writ petition stands disposed of.