
(2012) 03 SHI CK 0066
In the High Court Of Himachal Pradesh
Case No : CWP No. 437-2012-D

Chhavi Kumari

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 14-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0066

Hon'ble Judges : Kurian Joseph, J; Dharam Chand Chaudhary, J

Bench : Division Bench

Advocate : Ajay Mohan Goel, for the Appellant; J.K. Verma, D.A.G. for respondent No. 1 and 2 and Mr. Inder Sharma, Advocate, for the Respondent

Judgement

Justice Kurian Joseph, C.J.—The petition is filed with the following prayers:- a) This Hon''ble Court may kindly be pleased to issue writ of mandamus directing the respondent No. 3 Board to hold personal interview of the petitioner to assess her suitability for appointment to the post of TGT (Arts), process for appointment to which posts was initiated by respondent No. 3 Board in the year 2002 vide advertisement No. 4/2002;

b) That this Hon''ble Court may further be pleased to direct the respondents by way of issuance of a writ of mandamus to appoint the petitioner against the post of TGT (Arts) on the basis of the marks secured by the petitioner in the screening test as well as personal interview if petitioner is found suitable on merits to be appointed to the post of TGT (Arts) with all consequential benefits;

Having found that the petitioner has been unjustly denied the opportunity to participate in the selection process, this Court issued a direction to the Service Selection Board to provisionally interview the petitioner vide order dated 27th January, 2012 :-

For the post of TGT(Arts), applications were invited by respondent No. 3. The screening test was conducted and petitioner was placed at Sl. No. 290. In all there are 224 posts. It is alleged by the petitioner that no letter of interview was

either posted by respondent No. 3 or received by her.

Mr. Inder Sharma, prays four weeks time to file reply. Needful be positively done within a period of four weeks. Rejoinder, if any, within a period of one week thereafter. In the meanwhile, respondent No. 3 is directed to interview the petitioner for the post in question. This shall positively be done in the second week of February, 2012.

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2. Thereafter, the result of the petitioner was made available to this Court. It is seen that petitioner has secured 165 marks. The last candidate in the general unreserved category has secured only 162 marks. In order to avoid prolonged litigation involving other candidates who have already been appointed, this Court directed the learned Advocate General to get instructions as to whether there are any vacancies in the post of TGT (Arts). By communication dated 13.3.2012, it is informed that the Service Selection Board had recommended 219 out of 224 candidates and 5 have not been recommended for want of suitable candidates in the respective reserved categories. According to the petitioner, out of 219 candidates recommended by the Service Selection Board, 2 have not joined duties since they have been otherwise engaged comfortably.

3. In view of the facts and circumstances of the case and in order to avoid litigation involving other candidates also, in the interest of justice, we are of the view that it is just, fit and proper that the petitioner is appointed in the general unreserved category, in case there is a non-joining vacancy or in case there is otherwise any vacancy in the general unreserved category.

4. Appropriate orders shall be passed, as above, by the second respondent positively within two weeks from the production of a copy of this judgment along with a copy of the writ petition by the petitioner before the second respondent. The writ petition stands disposed of, so also the pending application(s), if any.