

(2010) 12 SHI CK 0320
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 8731 of 2008

Smt. Sushil Kumari

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 08-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0320

Hon'ble Judges : V.K. Sharma, J

Bench : Single Bench

Judgement

V.K. Sharma, J.—The petition has been filed on the following prayer vide para 7 (a):

a) That the impugned appointment of Respondent No. 5 may very kindly be quashed and set aside thereby directing Respondents No. 1 to 4 to re-consider the candidatures of the applicant and give her appointment letter to the post of Part Time Water Carrier in Govt. Primary School, Basdehra, District Una, forthwith.

2. In the reply, filed on behalf of Respondents No. 1 to 3, the following stand has been taken vide para 6:

6. That in reply to para No. 6 and its sub-paras it is submitted that the selection committee headed by the S.D.O (Civil) as its chairman and three other

1 Whether reporters of the local papers may be allowed to see the judgment? No,
2 members Pradhan of the concerned Panchayat, Block Primary Education Officer and Centre Head Teacher of the centre concerned of the respective block scrutinized the application received in response to the vide publicity and awarded the marks on the basis of the documents submitted by the candidates and as per the notification issued by the Govt. in this regard. On the basis of recommendation of the selection committee the candidate securing the higher marks has been appointed. In the instant case, the applicant and Respondent

No. 5 has obtained the marks as given below:

Applicant:

Distance from home to school

Whether land was donated

SC/ST/OBC

Whether unemployed family

Viva

Total Marks

Yes

Yes

10

5

4

19

Respondent No. 5

Distance from home to school

Whether land was donated

SC/ST/OBC

Whether unemployed family

Viva

Total Marks

Yes

Yes

10

5

6

21

Since the Respondent No. 5 has secured 21 marks and the applicant 19 marks, therefore, the Respondent No. 5 has been offered appointment on the recommendation of the selection committee in accordance with the instructions.

3. Replies on behalf of Respondents No. 4 and 5 are akin to that of Respondents No. 1 to 3.

4. Rejoinder refuting the stand on behalf of Respondents No. 1 to 3 and 5 and reiterating the averments set up in the petition has also been filed.

5. In view of the above, in case the Petitioner still has any surviving grievance with regard to the factual and legal position, he may certainly point out the same by way of appropriate representation before the second Respondent/competent authority within a period of one month from today along with copy of this judgment and the second Respondent/competent authority shall decide the same within another three months after affording an opportunity of being heard to the Petitioner and the private Respondent, if so desired.

6. In view of the above, the petition stands disposed of, so also the pending CMP(s), if any.