

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CWP-28943-2017(O&M)

Lovely & others Vs. State of Punjab & others

Present: Mr. B.S. Sidhu, Advocate for the petitioners.

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The Department of Education, State of Punjab issued advertisement dated 10.09.2017 inviting applications for filling up a total of 3582 posts of different subjects in the Master Cadre. 521 posts were relating to the Hindi subject. As per scheme of selection disclosed in the advertisement, eligible candidates were to participate in a written examination and the final merit was to be prepared as per marks secured in the written examination.

The petitioners herein belong to District Bathinda, Faridkot and Moga and had applied for the post of Hindi Teacher in the Master Cadre in pursuance to the advertisement dated 10.09.2017. Their applications having been processed and the petitioners being found to be eligible were issued roll numbers to appear in a written examination which was slated for 08.12.2017 at Amritsar and to commence at 2 P.M.

The instant writ petition has been filed praying for issuance of appropriate directions to the respondent/State and respondent No.3/ Guru Nanak Dev University, Amritsar to afford to the petitioners a chance afresh to appear in the examination that was conducted on 08.12.2017 on the ground that for reasons beyond their control, they could not appear in such examination.

Counsel would argue that Municipal elections were scheduled

in the State of Punjab for 17.12.2017. Thousands of people belonging to different political parties blocked the national highways/internal roads across different districts in the State of Punjab on 08.12.2017 and which resulted in a situation of mass road blockage.

Counsel has also apprised the Court that a writ petition in public interest was also preferred in this regard i.e. **CWP-28061-2017 (Varinderpal Singh & others Vs. State of Punjab & others)** and in which directions were sought for the State to take remedial measures as per guidelines issued by the Apex Court in **Destruction of Public and Private Properties, in Re Vs. State of Andhra Pradesh and others, (2009) 5 SCC 212.**

Such writ petition was heard on 08.12.2017 and in which learned Advocate General, Punjab had put in appearance and had stated that on the basis of information received by him from Sh. Dinkar Gupta, IPS, Director General of Police (Intelligence), Punjab, he does not dispute that the situation in the State of Punjab is grave because of the ensuing Municipal Elections and he also did not dispute that the blockage of national highways/internal roads passing throughout the State of Punjab may cause hindrance or result in stoppage of essential supply of commodities, taking of the patients in distress to the hospitals and such other eventualities.

Counsel argues that in the light of such statement made by learned Advocate General, Punjab, there would be no dispute that it was on account of circumstances beyond the control of the petitioners that they could not appear in the written examination conducted on 08.12.2017.

Further contended that the petitioners had a vested right to participate in a process of selection being eligible and since the State had failed in its duty to provide safe and unhampered access to the venue of the examination, prayer in the petition be accepted.

Notice of motion, returnable for 09.01.2018.

On the asking of the Court, Mr. Avinit Avasthi, learned AAG, Punjab accepts notice on behalf of respondents No.1 and 2.

Requisite number of copies of the writ paper book be furnished to learned State counsel during the course of the day.

Liberty is granted to serve respondent No.3 i.e. Guru Nanak Dev University, Amritsar through panel Advocate.

To ensure that no prejudice is caused to the petitioners herein as also other candidates, who may have not appeared in the examination held on 08.12.2017 for reasons beyond their control, interim directions are issued that the result of the written examination for the Master Cadre posts held on 08.12.2017 shall be held back till the next date of hearing.

19.12.2017
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE