

ਦਫਤਰ ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ:ਸਿ:) ਪੰਜਾਬ

ਅਮਲਾ-5 ਸਾਖਾ

ਸੇਵਾ ਵਿਖੇ

- 1 ਮੰਡਲ ਸਿੱਖਿਆ ਅਫਸਰ ਨਾਭਾ, ਜਲੰਧਰ ਅਤੇ ਫਰੀਦਕੋਟ ।
- 2 ਪੰਜਾਬ ਰਾਜ ਦੇ ਸਮੂਹ ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ:ਸਿ:),

ਮੀਮੋ ਨੰ: 12/17-17ਅਮਲਾ-5(3) / 463

ਮਿਤੀ: ਸ.ਅ.ਸ ਨਗਰ। 14.2.2017

ਵਿਸਾ:

ਸਿਵਲ ਰਿੱਟ ਪਟੀਸਨ ਨੰ: 2547 ਆੱਫ 2017 ਸਿਮਰਜੀਤ ਕੌਰ ਅਤੇ ਹੋਰ ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ ਅਤੇ ਸਿਵਲ ਰਿੱਟ ਪਟੀਸਨ ਨੰ: 2617 ਆੱਫ 2017 ਸਤਪਾਲ ਸਰਮਾ ਅਤੇ ਹੋਰ ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ ਵਿੱਚ ਮਾਣਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ ਦੇ ਅੰਤਰਿਮ ਹੁਕਮ ਮਿਤੀ: 09-02-2017 ਲਾਗੂ ਕਰਨ ਬਾਰੇ।

ਵਿਸ਼ੇ ਅਧੀਨ ਰਿੱਟਾਂ ਵਿੱਚ ਮਾਣਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ ਨੇ ਮਿਤੀ: 09-02-2017 ਨੂੰ ਇਨਟਰਮ ਹੁਕਮ ਕਰਕੇ ਪਟੀਸਨਰਾਂ ਦੇ ਕੇਸਾਂ ਵਿੱਚ ਇਸ ਦਫਤਰ ਦੇ ਹੁਕਮ ਮਿਤੀ: 06-02-2017 ਜਿਸ ਰਾਹੀਂ 244 ਪੀ.ਟੀ.ਆਈ ਦੀ ਭਰਤੀ ਵਿਰੁੱਧ ਕੰਮ ਕਰ ਰਹੇ ਕਰਮਚਾਰੀਆਂ ਦੀਆਂ ਸੇਵਾਵਾਂ ਖਤਮ ਕਰ ਦਿੱਤੀਆਂ ਸਨ ਤੇ ਮਾਣਯੋਗ ਹਾਈ ਕੋਰਟ ਵੱਲੋਂ ਵੱਖ ਵੱਖ ਸਿਵਲ ਰਿੱਟ ਪਟੀਸਨਾਂ ਰਾਹੀਂ ਅਗਲੇ ਹੁਕਮਾਂ ਤੱਕ ਰੋਕ ਲਗਾ ਦਿੱਤੀ ਹੈ। ਸਿਵਲ ਰਿੱਟ ਪਟੀਸਨ 2547 ਆਫ 2017 ਦੇ 6 ਪਟੀਸਨਰ ਅਤੇ ਸਿਵਲ ਰਿੱਟ ਪਟੀਸਨ 2617 ਆਫ 2017 ਦੇ 20 ਪਟੀਸਨਰਾਂ ਦੀ ਸੂਚੀ ਅਤੇ ਮਾਣਯੋਗ ਕੋਰਟ ਦੇ ਹੁਕਮਾਂ ਦੀ ਕਾਪੀ ਨੱਥੀ ਹੈ। ਮਾਣਯੋਗ ਕੋਰਟ ਦੇ ਹੁਕਮਾਂ ਦੀ ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਕੀਤੀ ਜਾਵੇ।



ਸਹਾਇਕ ਡਾਇਰੈਕਟਰ (ਸਮ-5)

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13/2/17

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High Court of Pb. & Hr., Chandigarh.

CWP\_2547\_2017\_MEMO\_OF\_PARTIES 09-Feb-2017 at 16:44

2547

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA**  
**AT CHANDIGARH.**  
**CIVIL WRIT PETITION NO. 2547 OF 2017**

1. Simarjit Kaur D/o Sh. Sukhdev Singh, Aged 32 years,  
Govt. Middle School, Kishangarh Sangali  
District Sangrur,  
R/o Village Rurka, P.O. & Tehsil Malerkotla,  
District Sangrur.
2. Sumesh Rani D/o Shri Bhan, Aged 49 years,  
Govt. Middle School, Mehta,  
District Barnala,  
R/o C/o Megraj & Sons Commission Agent,  
Grain Market, Tapa Mandi,  
District Barnala.
3. Rupinder Kaur D/o Sh. Harpal Singh, aged 44 years  
Govt. Middle School Ward No.2, Malkout,  
District Mukatsar,  
R/o Kothi Footbal Wali, St. No.12, Guru Angad Nagar,  
Mukatsar District Mukatsar.
4. Harjinder Singh S/o Sh. Mohinder Singh, Aged 38 years  
Govt. Senior Secondary School (Boys), Bhawanigarh,  
District Sangrur,  
R/o S. No.4, Ward No.6, Bishan Nagar, Bhawanigarh,  
District Sangrur.
5. Shailwinder Kaur D/o Sh. Rajwinder Singh, Aged 38 years,  
Govt. Middle School Chandsar Basti,

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District Bathinda,  
R/o H.No.465, Model Town, Phase-3, Bathinda,  
District Bathinda.

6. Gurmeet Kaur D/o Sh. Balwinder Singh, Aged 33 years,  
Govt. Middle School Kishan Singh Wala,  
District Kapurthala,  
R/o Village & Post Office Tiba Basti, Bhoruwala,  
Tehsil Sultanpur Lodhi,  
District Kapurthala.

**...PETITIONERS**

**Versus**

1. State of Punjab through Principal Secretary,  
Department of School Education  
Punjab Mini Secretariat, Sector 9  
Chandigarh.
2. Director Public Instructions (SE), Punjab,  
Phase VIII, PSEB Complex,  
Ajitgarh (Mohali)
3. Director, Education Recruitment Directorate -Cum-  
Director General School Education, Punjab.  
Govt. Model Senior Secondary School, (Microsoft Building), Phase-  
3B1, S.A.S. Nagar, Ajitgarh (Mohali)

**...RESPONDENTS**

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PETITION under Article 226 of the Constitution of India for the issuance of an appropriate writ, order or direction, especially a writ in the nature of Certiorari, quashing the impugned order dated 06.02.2017 (**Annexure P-18 (Colly)**), whereby after a period of more than 7 years of service the services of the petitioners have been terminated on the pretext of revision of the merit list under the garb of the judgment dated 30.01.2013 (**Annexure P-13**) passed by this Hon'ble Court in CWP No.1572 of 2013 and other connected writ petitions, in which neither the petitioners had been arrayed as respondents nor there is any direction from the Hon'ble Court to revise the merit list of the petitioners after a period of 7 years, being not only illegal and arbitrary but also unjust, unfair and against the settled proposition of law as enumerated in a catena of decisions rendered by the Hon'ble Supreme Court and High Court.

AND

For issuance of a writ in nature of mandamus may be issued directing the respondents to allow the petitioners to continue performing their duties as PTI Teachers on which they were appointed in the year 2009 and were regularized in the year 2011.

AND

Further during the pendency of the writ petition the operations of the termination orders dated 06.02.2017 (**Annexure P-18**) may kindly be stayed and this Hon'ble High

Court may be pleased to issue any other writ, order or direction, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

**RESPECTFULLY SHOWETH:-**

1. That the petitioners are citizens of India and residents of State of Punjab, and as such are entitled to invoke the extra-ordinary writ jurisdiction of this Hon'ble Court by way of filing the present writ petition under Article 226 of the Constitution of India.

2. That the petitioners have passed Matriculation examination and 10+2 examination and Certificate Course in Physical Education from recognized Universities/Boards and as such, are eligible to be appointed for the post of P.T.I. Teacher in Education Department in the State of Punjab, the post which is governed by the Punjab Education Service Class III (School Cadre) Rules 1955. Appendix 'B' attached to the said Rules prescribes the qualification for the post of Physical Training Instructor as under:-

"STC with Training in Physical Education or with Certificate in Physical Education from YMCA, Madras, merit if considered suitable by the Director, Public Instruction (SE), Punjab. Preference in the former case being given to the candidates with 2 years' training in STC course."

3. That the Govt. of Punjab, Department of School Education issued an Advertisement 1/2008 which was published in the Ajit on 13.04.2008

125 CWP-2547-2017

**SIMARJIT KAUR & OTHERS  
VS  
STATE OF PUNJAB & ORS**

Present:- Mr. Kapil Kakkar, Advocate,  
for the petitioners.

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Learned counsel for the petitioners contends that the similar matter i.e. CWP No. 16123 of 2014 is coming up for hearing on 29.03.2017.

Notice of motion returnable by 29.03.2017.

To be heard along with CWP No. 16123 of 2014.

In the meantime, operation of the impugned order, dated 06.02.2017 (Annexure P-18) is stayed till the next date of hearing.

09.02.2017  
Satyawan

**(JAISHREE THAKUR)  
JUDGE**

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High Court of Pb. & Hr., Chandigarh.

CWP No.2617 of 2017

#2#

A copy of this order be given dasti to learned counsel  
for the petitioner(s) on payment of usual charges as prescribed.

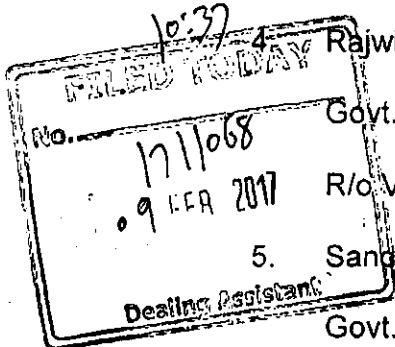
February 09, 2017  
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(JASWANT SINGH)  
JUDGE

IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB  
AND HARYANA AT CHANDIGARH

C.W.P. No. 2617 of 2017

1. Satpal Sharma S/o Shri Des Raj, Age 38, PTI, Reg.No.5658,  
Govt. Middle School, Jodhpur, District Barnala  
R/o Village & PO Dhaula, Tehsil & District Barnala.
2. Kuldeep Kaur D/o Sh. Kashmir Singh, Age 42, PTI, Reg. No.1025,  
Govt. Sr. Secondary School, Dakala, District Patiala.  
R/o H.No. 210/17, Near M.C. Office, Samana, District Patiala.
3. Ranjit Singh S/o Sh. Nachattar Singh, Age 37, PTI, Reg. No.6040,  
Govt. Middle School, Mehrajwala, District Muktsar.  
R/o VPO Khunnan Kalan, District Muktsar.
4. Rajwinder Kaur D/o Sh. Baljit Singh, Age 34, PTI, Reg. No.1477,  
Govt. Sr. Secondary School, Shahwala Andreesa, Kapurthala  
R/o VPO Shahwala Anndressa, District Kapurthala.
5. Sandeep Kaur D/o Sh. Mukhtiar Singh, Age 36, PTI, Reg.No.1126  
Govt. Middle School, Baath, District Bathinda.  
R/o VPO Lehra Muhabbat, District Bathinda.
6. Mandeep Kaur D/o Sh. Hardavinder Singh, Age 35, PTI,  
Reg. No.1208  
Govt. Middle School, Sooch, Sooch, District Bathinda.  
R/o VPO Mandi Kalan, District Bathinda.
7. Manjit Kumari D/o Sukhdev Ram, Age 40, PTI, Reg. No. 1122,  
Govt. Middle School, Kheri Chandwan, District Sangrur.  
R/o VPO Jalan, District Sangrur.





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8. Munisha Sharma D/o Sh. Madan Mohan, Age 35, PTI,  
Reg. No. 1557,  
Govt. Middle School, Shergarh, District Patiala.  
R/o H.No. 593/11, Gandhi Nagar, Kaithal, Distt. Kaithal.
9. Gurmeet Kaur D/o Sh. Hardial Singh, Age 43, PTI,  
Reg. No. 1410,  
Govt. Sr. Secondary School, Nogawan, District Patiala.  
R/o VPO Mehtabgarh, District Patiala.
10. Priyanka D/o Sh. Sarvjeet Singh, Age 37, PTI, Reg. No. 1587  
Govt. Sr. Secondary School Gharachon, District Sangrur.  
R/o VPO Kaloudi, District Sangrur.
11. Paramjeet Kaur D/o Sh. Sukhdev Singh, Age 36, PTI,  
Reg. No. 1081  
Govt. Middle School, Bambiha, District Bathinda.  
R/o VPO Peori, District Muktsar.
12. Sukhwinder Singh S/o Sh. Gurdev Singh, Age 38,  
PTI, Reg. No. 5634  
Govt. Sr. Secondary School Giderwaha Mandi, Distt. Muktsar.  
R/o VPO Jangirana, District Bathinda.

13. Bharpur Singh S/o Sh. Pala Singh, Age 37, PTI,  
Reg. No. 6233,  
Govt. Sr. Secondary School, Kakrala, District Patiala.  
R/o VPO Kakrala, District Patiala.
14. Gurdeep Singh S/o Sh. Major Singh, Age 38, PTI, Reg. No. 5591,  
Govt. Middle School, Goniana Khurd, District Bathinda.  
R/o VPO Multania, District Bathinda.
15. Poonam Aggarwal D/o Sh. Dev Raj, Age 35, PTI, Reg. No. 1129,  
Govt. Middle School, Khudal Kalan, District Mansa.  
R/o VPO Breta, District Mansa.
16. Mandeep Kaur D/o Sh. Surat Singh, Age 40, PTI, Reg. No. 1287,  
Govt. Girls Sr. Secondary School Budhlada, District Mansa.  
R/o VPO Bare, District Mansa.
17. Tarlochan Singh S/o Sh. Maggar Singh, Age 36, PTI,  
Reg. No. 5624,  
Govt. High School (Boys), Bhikhi, District Mansa.  
R/o VPO Akkan Wali, District Mansa.
18. Varinder Kaur D/o Sh. Sant Singh, Age 35, PTI, Reg. No. 1507,  
Govt. High School, Jafarwal, District Gurdaspur.  
R/o VPO Jalal Usma, District Amritsar.



19. Mandeep Kaur D/o Shri Gurdev Singh, Age 34, PTI, Reg.No.1520,  
Govt. Middle School, Hashampur, District Patiala.  
R/o V.P.O. Salara Kalan, District Patiala.
20. Rakesh Kumar S/o Shri Jaswant Lal, Age 37, PTI,  
Govt. High School, Kartarpur Momia, District Patiala.  
R/o Village Boota Singh Wala, PO Ghagga, Tehsil Patran,  
District Patiala.

...Petitioners

**Versus**

1. State of Punjab through Principal Secretary,  
Department of School Education  
Punjab Mini Secretariat, Sector 9  
Chandigarh
2. The Director Public Instructions (SE), Punjab,  
Phase VIII, Ajitgarh (Mohali)  
District Ajitgarh (Mohali)
3. The Director,  
Education Recruitment Directorate -Cum-  
Director General School Education, Punjab.  
Govt. Model Senior Secondary School, (Microsoft Building),  
Phase- 3B1, S.A.S. Nagar, Ajitgarh (Mohali)

...Respondents

  
(ALKA CHATRATH)   
(HARMANPREET KAUR)

CHANDIGARH

ADVOCATES

DATED:08.02.2017

COUNSEL FOR THE PETITIONERS

PETITION under Article 226 of the Constitution of India for the issuance of an appropriate writ, order or direction, especially a writ in the nature of Certiorari, quashing the impugned orders dated 06.02.2017 (P-24-Colly) and similar orders passed by respondent No. 2 terminating the services of the petitioners from the posts of PTI Teachers who were appointed vide order dated 02.07.2009 (P-7), and later regularized and confirmed 26.07.2011(P-8) & 30.10.2013 (P-9) respectively and the similar orders, against advertisement dated 13.04.2008 (P-2) but whose services are being terminated after a period of 8 years by revising the merit list (P-17) by relying upon the judgment in which they were not the party by passing non-speaking orders in violation of the settled law and by ignoring the judgments (Annexures P-18 & P-19).

It is further prayed that the operation of the impugned orders dated 06.02.2017(P-24-Colly) and similar such orders qua the petitioners, be stayed and the respondents be directed to allow the petitioners to continue on their respective posts during the pendency of the writ petition.

It is further prayed that this Hon'ble High Court may be pleased to issue any other writ, order or direction, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

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CWP No.2617 of 2017

Manoj Kumar  
2017.02.13 16:36  
I attest to the accuracy and  
integrity of this document

Satpal Sharma & Ors. Vs. State of Punjab and Ors.

Present: Ms. Alka Chatrath, Advocate for the petitioner.

The twenty petitioners were appointed on contract basis, after following a process of selection, as Education Service Provides (PTIs) in July 2009. Their services were regularized in July 2011, and thereafter confirmed on completion of the probation period in October 2013. Now, vide order dated 06.2.2017 (**P.24 colly**), their services have been ordered to be dispensed with on re-casting the merit list, in compliance of the directions dated 30.1.2013 issued in writ petition bearing CWP No.1572 of 2013 titled Kulwant Singh and others.

It is contended that the aforesaid writ petition was filed by the candidates with higher qualifications of B.P.Ed inspite of the prescribed qualifications of C.P.Ed, and five years after the date of advertisement on 14.4.2008, praying for treating them as eligible, in view of their higher qualifications in the same line. The State Government accepted the judgment dated 30.1.2013 whereby they (petitioners therein) were ordered to be considered eligible and therefore, it is the duty of the State to create separate posts for them instead of replacing the petitioners, as the mess created is a creation of the State.

Notice of motion for 24.5.2017.

In the meanwhile, the termination orders of the petitioners shall remain stayed.