

IN THE COURT OF MS. AMBIKA SHARMA, PCS,CIVIL JUDGE
(JR.DIVISION) LUDHIANA

Computer File No.615/2021
Date of Order: 27.01.2023

Mitter Sain Goyal and Ors Vs. State of Punjab

Application under Order 1 Rule 10 Civil Procedure Code as amended upto date for impleading the applicant namely Dr. Mohd Jameel son of Mohd. Din R/o H.no.B-ZIII/142, Malerkotla as a party in the case cited in the subject.

Present: Sh Iqbal Singh advocate counsel for applicant
Sh J S Gill advocate for plaintiff
GP for the defendant/respondent

1. This order of mine shall dispose of an application under Order 1 Rule 10 Civil Procedure Code as amended upto date for impleading the applicant namely Dr. Mohd Jameel son of Mohd. Din R/o H.no.B-ZIII/142, Malerkotla as a party in the case cited in the subject.
2. It is submitted by the counsel for applicant that Dr. Mohd. Jameel is M.A (Urdu, Persian) and has done his Ph.D in Urdu. (Research topic) and at present teaching at Punjabi University. Patiala after retiring as a professor and head from the department of Persian, Urdu and Arabic on 31.12.2018, with a total teaching experience of twenty seven years at Punjabi University, Patiala. Now he is working as professor (guest faculty) same department Punjabi University, Patiala. Applicant has vast research experience of 26 years at the department of Persian, Urdu and Arabic at Punjabi University, Patiala under his guidance 1M.Phil (research Scholar)

decree was awarded and 17 Ph.D degrees were awarded under his supervision as detailed in the bio-data mentioned in the application. The board constituted under the notification dated 15.11.2002 was only empowered to recommend the names thereafter, the defendant should have formulated and followed a policy for having a selection criteria and selection procedure, which has never been formulated/notified nor being followed. Defendants giving awards to themselves or to their relatives. Defendant No.2 was also duty bound to seek recommendations from independent sources. That the language department has never sought any recommendation from any literary people, literary organization, university etc. Some of the awards are concerning the overseas persons and out of State persons and by not making proper publication for inviting nominations by way of recommendation or by way of applications, huge number of competent eligible persons might have been overlooked and deprived by not giving due publicity for seeking nomination. The applicant written letter to Chief Minister Punjab Mr. Amrinder Singh on 03.12.2020 for the review of Sharomani Sahit Award in Urdu Language but he gets a vague and evasive reply. Applicant ignored despite his unparalleled contribution to Urdu Literature. Applicant was ignored by the state. Hence, this application.

3. Reply on behalf of respondent/defendant No.1 to 3 filed in which they has opposed the application on the ground that application has been filed just to harass the respondents/defendants and applicant came to the court with ulterioius motive to quash the decision of the State Advisory Board for declaring award for the year w.e.f 2015-2020 just to help the plaintiffs. *Inter-alia* mentioned that the awards for the year 2015 to 2020 has already been declared by State Advisory Board constituted by the

Punjab Government through its Language Department Punjab, Patiala and same was constituted as per guidelines of the order issued by the Secretary Higher Education & Language Department on 15.11.2002. Denying other averments prayed for dismissal of the application.

4. Heard. Perusal of the file reveals that present suit has been filed by Mittersain Goyal alongwith other two plaintiffs against State of Punjab through Principal Secretary, Higher Education and Language Department Punjab alleging his grievance. Applicant in his application *inter-alia* only has mentioned that applicant was also considered in the agenda but he was not selected no guidelines of parameters have been followed at the time of selection and it is very necessary to implead him as a party in the present suit and present suit cannot be proceeded without him but he has not mentioned any reason to satisfy the court at this stage that his impleadment is necessary to decide the present suit.
5. Present suit is declaratory suit and plaintiff has challenged notification dated 15 Nov 2002 issued by State and process followed by screening committee and that selection process is illegal and *inter-alia* has sought restraint from issuing the award. As per **Order 1 Rule 10 (2) CPC - Court may strike out or add parties** – “*The court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon the settle all the questions involved in the suit be added*”. In view of the above law at this stage this court is of considered opinion

that applicant is not such a party which ought to have been joined whether as plaintiff or defendant or whose presence before court is necessary in order to enable the court effectually and completely adjudicate upon the settle all the questions involved in present suit. Hence, in view of the facts and circumstances of the case this court does not deem it appropriate to implead applicant as party to the present. As such, application in hand is stands dismissed. However, nothing this order shall have any effect on the merits of the case.

Date of Order:27.01.2023

Jagdish

Stenographer-II

(Ambika Sharma)
Civil Judge (Junior Division)
Ludhiana.
UID-PB0495