

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

117+212

CM No.6585 of 2015 and
Civil Writ Petition No.21367 of 2012

Date of Decision: May 20, 2015

Sukhjeet Kaur

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.K. Arora, Advocate
for the applicant-petitioner.

Mr. Harkesh Manuja, Additional Advocate General, Punjab,
for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.6585 of 2015

Prayer in this application is for permission to place on record

Annexures P-9 to P-11.

Application is allowed subject to just exceptions.

Annexures P-9 to P-11 are taken on record.

CWP No.21367 of 2012

Petitioner, who belongs to a Backward Class category, has been denied appointment to the post of Math Mistress only on the ground that she has obtained 86 marks in the Teachers Eligibility Test out of a maximum of 150 marks, whereas according to the respondents, she should have obtained 90 marks in the Teachers Eligibility Test.

Counsel for the petitioner has referred to the order passed by this Court in *Civil Writ Petition No.21374 of 2012* titled as *Gurpreet Kaur*

Versus The State of Punjab and others, where it has been held that a

Backward Class category candidate is entitled to relaxation of 5% of the total marks and, therefore, if a Backward Class category candidate obtains 83 marks out of 150 marks, the said candidate would be eligible and declared as 'pass'. Petitioner having obtained 86 marks out of 150 marks would, therefore, be entitled to be declared 'pass' and consequently issuance of an appointment letter.

Counsel for the respondents submits that the petitioner had participated in the selection process as a General category candidate for the Teachers Eligibility Test and, therefore, would not be entitled to the benefit of the said judgment.

This contention of the counsel for the respondents cannot be accepted for the reason that as per the position, which existed at the time when the petitioner has participated in the Teachers Eligibility Test, there was no concession provided for the Backward Class category and since the petitioner belongs to the Backward Class category, which fact is not disputed by the respondents, the petitioner would be entitled to the benefit of the judgment passed in **Gurpreet Kaur's** case (supra).

In view of the above, the present writ petition is allowed.

A direction is issued to Secretary to Government, Punjab, Department of School Education, Civil Secretariat, Chandigarh and The Director of Public Instructions (SE), PSEB Building, Phase-VIII, Mohali-respondents 1 and 2 to issue the appointment letter to the petitioner in pursuance to the selection of the petitioner as a Math Mistress within a period of four weeks from the date of receipt of certified copy of this order.

It goes without saying that the petitioner shall be entitled to all

consequential benefits except financial prior to the date of filing of the writ
petition.

May 20, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE