

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

***CWP No.2729 of 2013***

Date of Decision: 21.12.2016

Baljinder Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

***BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY***

Present:- Mr. Rohit Ahuja, Advocate  
for the petitioner.

Mr. L.S. Virk, Addl. A.G., Punjab  
for the State.

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**DAYA CHAUDHARY, J.**

**Civil Misc. No.16310 of 2016**

This application has been moved for placing on record Annexures P-16 and P-17 and also for exemption from filing certified copies of the same.

Allowed as prayed for.

**CWP No.2729 of 2013**

The present petition has been filed for issuance of a writ in the nature of *certiorari* quashing the merit list prepared in pursuance of advertisement dated 23.09.2009, whereby, the applications were invited to fill up 7654 posts of teachers on contract basis including 78 posts of vocational Mistress (Secretarial/Commercial Practices) to the extent, wherein, the merit position of the petitioner has been altered/reduced from

45.5333 to 43.866 without giving any opportunity of hearing to her. A further prayer has also been made for issuance of direction to the respondents to appoint the petitioner on the post of Vocational Mistress (Secretarial or Commercial Practices) against the seat reserved for Scheduled Caste (M & B) by considering her merit as 45.53.

Briefly, the facts of the case as made out in the present petition, are that an advertisement was published on 23.09.2009, whereby, the applications were invited to fill up 7654 posts of teachers on contract basis in the teaching/non-teaching cadre in the Department of Education which included 78 posts of Vocational Mistress (Secretarial/Commercial Practices). In the advertisement, the qualification, age, reservations, method of selection and other conditions were also mentioned. The petitioner applied online in pursuance of said advertisement under Scheduled Caste (M&B) category. Provisional merit list was prepared and issued on website, wherein, the petitioner figured at Serial No.10 with 45.5333 marks. She also appeared for counselling/scrutiny of certificates and documents on 08.12.2010, whereafter, letters were to be issued to the selected candidates after scrutiny of documents. Thereafter, final result was declared in the last week of February/March, 2011, wherein, merit of the petitioner was shown to be 43.86 and a public notice was issued on 26.12.2011 by calling all the selected candidates to join upto 04.01.2012. Meanwhile, petitioner made a representation dated 29.05.2011 to the Director Public Instructions (SE), Punjab, Chandigarh as her name was not there, whereas, she was in the provisional merit list. Subsequently, she came to know by getting information under RTI that her merit was shown to be 43.866.

The petitioner, being aggrieved by action of the respondents in reducing her marks, filed the present petition.

In response to notice of motion, reply on behalf of the respondents has been filed.

Learned counsel for the respondents submits that the petitioner submitted her original documents at the time of counselling before the Departmental Selection Committee and also produced the detailed marks sheet of graduation. Petitioner had obtained 1166 marks out of 2400 instead of 1186 out of 2400 as mentioned in online application. The Departmental Selection Committee prepared the merit of the petitioner on the basis of documents and she was also afforded an opportunity of submitting her documents before finalization of her merit by the Committee. The last selected candidate in the category of the petitioner was having 45.2 marks and name of the petitioner did not fall in the zone of selection being lower in merit.

Learned counsel for the respondents also submits that the petitioner had entered her marks wrongly and on verification of documents, it was corrected.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file. The facts relating to publication of advertisement, applying for the said post, publication of provisional merit list as well as final list by the respondents are not disputed. The only grievance of the petitioner is that her name was there in the provisional merit list but was not found in the final list and her marks were reduced. The marks obtained by the petitioner in the graduation are not disputed. Rather petitioner has herself mentioned wrong marks in online

application on the basis of which the provisional merit list was prepared. Subsequently on verification of documents in the counselling, different marks were found and merit list was prepared accordingly. It cannot be said that the marks of the petitioner were reduced. Petitioner herself was well aware about the mentioning of wrong marks in the online application and hence, the stand of the petitioner is misconceived and contrary to the facts. She was having less marks than the last selected candidate in the same category. Moreover, **CWP No.23644 of 2011** filed by one Gurvinder Kaur relating to same selection has been dismissed on 16.10.2014. It was held in said judgment that when entire proceedings of selection was over, the respondents could not make a deviation so as to accommodate the interest of the petitioner.

Accordingly, the present petition, being devoid of any merit, is hereby dismissed.

21.12.2016  
gurpreet

**(DAYA CHAUDHARY)**  
**JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

Yes