

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

201

CWP No.20413 of 2011

Date of decision: 21.12.2017

Ajay Kumar Yadav & others

....Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Ms.Anu Chatrath Kapur, Sr.Advocate
with Ms.Harpreet Kaur, Advocate, for the petitioners.

Ms.Shruti Jain Goyal, AAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the notice (Annexure P-2), vide which, the waiting list was prepared by clubbing the male and female candidates for the post of Primary School Teachers/JBT teachers. It is the case of the petitioners that this was in contrast to the main merit-list which had already been prepared at the time of appointment/recommendation by the respondent-Commission, which was a separate list for male and female candidates. It was, thus, their primary grouse that the rules of the game had been changed at a subsequent stage, which could not have been done and one common procedure should have been followed.

The stand taken in the affidavit filed by the Addl.Director (Admn.) Shri D.R.Kairon dated 15.09.2014 was that a joint merit list of all selected candidates in their categories and on their merit by the Commission, as per posts advertised and a separate list had not been sent. In such circumstances, the original record had been called for on 14.12.2017. The recommendations sent by the respondent-Commission have been produced. A perusal of the letter dated 18.09.2010 would go on to show that in pursuance to the advertisement No.4/2009 dated 13.08.2009, the Commission had sent a list of 9003 candidates.

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

CWP No.20413 of 2011

-2-

The list was a consolidated list of all category candidates, including female candidates. However, by chance the number of the first female candidate on merit is at Sr.No.2750. Thereafter, on 30.03.2012, another 11 persons had been interjected in the said merit-list, on account of the decision of the Apex Court in SLP-9247-2010 titled *Gopal Singh & others Vs. State of Haryana & others*, and other connected matters. The said candidates also contain a mixed list of 3 female candidates out of the 11, apart from the fact that they are general candidates and reserved category candidates.

Resultantly, the argument which has been raised by Senior Counsel for the petitioners, that the rule of the game had been changed at the stage of operating the wait list, does not merit acceptance by this Court, since at the initial stage, clubbing had also been done of both male and female candidates.

Accordingly, finding no merit in the present writ petition, the same is hereby dismissed.

21.12.2017
Sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*