

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

**CWP No.18134 of 2013
Date of Decision:16.05.2017**

Leela Ram and another

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Jai Singh Yadav, Advocate for the petitioner.

Mr. Sushil Gautam, D.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

Petitioners have questioned their non selection to the post of PGT (Geography) under the General Category.

The official respondents have notified vacancies for the various posts in PGT on 7.6.2012. Petitioners are candidates for the post of PGT (Geography). 710 posts were ear marked for PGT (Geography). Under the PGT (Geography) 441 posts were reserved for general category. The selection process was complete. In the final select list, selecting authority has not filled up all the 441 posts reserved for general category in respect of PGT (Geography). In the PGT (Geography) 121 posts were left out. In other words, 441 posts were not filled up in general category.

Learned counsel for the petitioners submitted that having regard to the merit of the candidates, selecting authority is required to fill up all the general merit category irrespective of general category or any other reserved category. It was further submitted that without there being any reason all the vacancies ear marked for general category has not been filled up.

Per contra, learned counsel for the respondents-State submitted

that with reference to cut-off percentage in the general category, the petitioners are not entitled.

Question of cut-off percentage would arise only as and when all the vacancies are marked for general category. Admittedly, all the vacancies are marked for general category has not been filled up. Therefore, whatever the remaining vacancies under general category is required to be filled up by other categories. In other words, reserve category persons who are more merited than the petitioners should be pushed up in the general category and the names of the petitioners are required to be adjusted in BC category. Thus, the selecting authority have committed error in not filling up all the general category vacancies are marked for PGT (Geography) to the extent of 441 posts.

Accordingly, concerned selecting authority is directed to re-do the entire select list in respect of PGT (Geography) while filling up all the 441 posts of general category with reference to merit irrespective of general or reserved category.. The above exercise shall be completed within a period of three months from today. If petitioner No.2 is fit into respective category, in that event, necessary appointment order be issued to him.

If the posts which were not filled up in accordance with the advertisement, the same shall not be re-advertised for future recruitment until the above exercise shall be completed.

Insofar as petitioner No.1 is concerned, his candidature has not been considered on the score that the experience certificate which was required to be counter signed by the competent authority/Director of Secondary Education was not complied. Therefore, it was rejected. Later on, petitioner No.1 got rectified the counter signature by the competent

authority-Director Secondary Education, Haryana, vide Annexure R-2 dated 24.7.2012.

Accordingly, concerned respondent is hereby directed to accept the later experience certificate produced by the petitioner dated 24.7.2012. If petitioner No.1 is otherwise eligible for the post of PGT (Geography), his name shall be considered in accordance with law by issuing necessary appointment order.

With the above observation, petition stands disposed of.

16.05.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**