

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

Civil Writ Petition No.14567 of 2017

Date of decision: 11.07.2017

Nirmala

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Vivek Khatri, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner has sought quashing of result dated 8.6.2017 (Annexure P/9) which has been declared for the post of Assistant Professor (College Cadre) under the BC-A category for the subject of Commerce. Challenge has also been laid to shifting of the candidature of the petitioner from BC-A category to General category and it has been alleged that respondent no.4, Ms. Renu Jangra has been given the benefit of appointment by shifting her from the Physically Handicapped category to the BC-A Handicapped category.

It is the case of the petitioner that as per advertisement dated 16.2.2016 (Annexure P/1), 256 posts of Assistant Professor (College Cadre) for the subject of Commerce were advertised out of which 24 posts were reserved for BC-A category by the respondent-Commission. The petitioner had allegedly applied in the BC-A category on the strength of certificate dated 22.5.2012 (Annexure P/6). It is further case of the petitioner that Admit Card bearing Roll No.3973 (Annexure P/3) was issued for the written examination to be held on 5.2.2017 in which her category was also shown

as BC-A. Thereafter her result was declared on 17.4.2017 (Annexure P/4) and she was amongst the successful candidates. Thereafter, vide letter dated 12.5.2017 (Annexure P/5) she was asked to appear before the respondent-Commission for interview on 31.5.2017 and to get the relevant documents verified including her BC-A certificate.

It is the case of the counsel that as per Annexure P/8 she figured at serial no.1421 whereby she has wrongly been shown as General category candidate having secured 61.21 marks after having been given the benefit of marks of interview. It is her case that private respondent no.4, namely, Ms. Renu Jangra bearing Roll No.5346 was shown in the said list at serial no.2109 having secured 57.89 marks after giving the benefit of marks of interview. The final result was declared on 8.6.2017 (Annexure P/9) wherein the said private respondent figured in the list of 24 successful candidates for the said category which has accordingly been challenged on this ground.

It is further brought to the notice of this Court that a representation dated 12.6.2017 (Annexure P/10) regarding the change of category has already been moved to the respondent-Commission but the same has not been acted upon.

Notice of motion.

Mr. Kanwal Goyal, Advocate accepts notice on behalf of respondent nos.2 and 3. Requisite copies of the writ petition have been supplied to him.

Accordingly, without commenting upon the merits of the case or entitlement of the petitioner as such but only keeping in view the fact that the petitioner had applied and was issued Admit Card(Annexure P/3) as

BC-A category and in the result she was shown as such and asked to get backward class certificate but in what circumstances she has been shown as General category candidate in final list (Annexure P/8) needs to be answered by the respondent Commission.

The respondent no.2 shall take into consideration the said representation dated 12.6.2017 (Annexure P/10) and take a decision within a period of two weeks from the date of receipt of a certified copy of this order. It is made clear that in case any adverse order is to be passed against the petitioner or private respondent no.4, namely, Renu Jangra, both of them would be given an opportunity of hearing before passing of the said order and no adverse order shall be passed against the said private respondent without associating her.

The present writ petition is disposed off with the aforesaid directions.

July 11, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No

Note : Vide order dated 8.9.2017 number of Civil Writ Petition is ordered to be read as “14657 of 2017” instead of “14567 of 2017” at the top of all the pages of final order dated 11.7.2017.

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
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IOIN CWP No.14657 of 2017

Nirmala Vs. State of Haryana and others

Office has put up this file as number of Civil Writ Petition has been wrongly typed as “14567 of 2017” instead of “14657 of 2017” at the top of all the pages of final order dated 11.7.2017 due to typographical error.

In view of above, number of Civil Writ Petition be read as “14657 of 2017” instead of “14567 of 2017” at the top of all the pages of final order dated 11.7.2017.

Office to make necessary correction in the said order.

08.9.2017
Pka

(G.S.Sandhawalia)
Judge