

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.1629 of 2017

Date of Decision: August 04, 2017

Menka Yadav

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Devender Nirban, Advocate, for the petitioner.

Mr. R.K. Doon, AAG, Haryana.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner is seeking that her candidature for the post of a Post Graduate Teacher (History) be considered in the ongoing selection process pursuant to advertisement no.4/2015 having been issued.

The selection process is stated to have been at the stage of screening of the applications received, by way of scrutiny of documents, and at the time of such scrutiny in January this year, i.e. 2017, the petitioner appeared for such scrutiny before the respondent-Commission, but as she did not have any certificate showing that she belongs to the Ex-servicemen (ESM) category, though her application stated that she was from the “ESM BCB” category, her candidature was rejected.

This petition was filed immediately thereafter in January 2017

itself, in which notice was issued, with the respondents also having filed a written statement in reply to the writ petition.

The stand of the respondents is that the petitioner having filled in a wrong category, her candidature cannot be accepted.

Whereas the stand so taken by the respondents cannot be stated to be unreasonable by any yardstick, however, as per the contention of the learned counsel for the petitioner, in paragraph 5 of the petition, applications for the posts were to be filled in online only, and the petitioner belonging to a village in district Mahindergarh, went to get the application uploaded online from a cyber cafe in the area, wherein due to rush of work at the cyber cafe (possibly due to the number of applications forms being dealt with), a wrong category of “ESM BCB” was filled in.

Though in an appropriate case the said contention would not perhaps be acceptable, but the fact that even the petitioners' address shows her to be a resident of a village in one of the remotest district of the State, this Court would accept that explanation, especially when the petitioner approached this Court immediately after her candidature was rejected at the stage of scrutiny of documents, and since there is stated to be actually no category of “ESM BCB”, and the petitioner in any case does not have any certificate showing that she belongs to the ex-servicemen/dependent of ex-servicemen category, it is considered appropriate that the petitioners' candidature be considered in the category which she contends to belong to, i.e. BCB category, provided of course that her certificate showing that she is of that category, was produced before the Commission at the time of

scrutiny of documents and was found to be genuine.

It may also be noticed that it is not denied that the selection process has been stayed by this Court by an order passed on 15.02.2017 in CWP no.2737 of 2017 (though on a different issue, on account of allegation that the answers to the written examination as given in the answer key, were actually incorrect).

Consequently, subject to further orders to be passed in the aforesaid writ petition, i.e. CWP no.2737 of 2017, as regards the petitioners' application for consideration for appointment to the post in question, the petitioners' candidature would be considered as a candidate in the 'BCB' category, subject to the observation that the said certificate declaring her to be in that category is found to be in order.

Hence, even if all other interviews have been concluded and the petitioner is to be interviewed separately, the needful would be done by the respondent-State before the next date of hearing in CWP no.2737 of 2017.

Disposed of in the above terms.

August 04, 2017
vcgarg

(Amol Rattan Singh)
Judge

Whether speaking/reasoned: Yes
Whether reportable: Yes