

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

**CWP-28338-2017 (O&M)
Date of decision:14.12.2017**

Amarjeet Kumari

... Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Sukhdev Kamboj, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

As per pleadings on record, petitioner had appeared in the PSTET-II Examination as a Backward Class category candidate in the year 2011. The result of which was declared on 29.07.2011. Petitioner secured 82 marks. Towards compliance of an order dated 31.10.2014 passed by this Court in CWP-7829-2014, the State Council for Education, Research and Training (SCERT) issued a general order dated 05.06.2015 to the effect that all the candidates of reserved categories, who secured 82 marks out of 150 marks in the PSTET Examination would be treated as having been passed the test.

An advertisement dated 20.11.2015 was issued by the Department of Education, State of Punjab for filling up various posts including 1500 posts of Social Studies Master/Mistresses. Petitioner applied in response to the advertisement dated 20.11.2015 and cleared the prescribed subject test securing 117 marks. As per criteria disclosed in the advertisement, the total marks secured by the petitioner came to 199 i.e. by

adding 82 marks secured in the PSTET Examination.

Counsel contends that pertaining to the Backward Class category, the last candidate selected and appointed secured 200 marks.

The instant petition has been filed on the basis of a subsequent development, whereby result of the petitioner for the PSTET Examination stands revised and the petitioner has been assigned 85 marks. Accordingly, it is urged that the total merit of the petitioner would be 202 marks instead of 199 that had been calculated earlier.

Counsel argues that a candidate securing 200 marks of the same category i.e. the Backward Class category having already been selected and appointed, the present petitioner would have a superior and better right to claim appointment to the post.

It is further contended that the State Recruitment Agency has already revised the merit position of the petitioner in the light of the additional three marks assigned to the petitioner in the PSTET Examination, 2011 and as such, there would be no impediment to appoint the petitioner on the post in question.

Counsel submits that he would be satisfied if at this stage liberty is granted to the petitioner to submit a comprehensive representation as regards her claim and for directions to be issued for such representation to be decided.

Prayer made by counsel is just and reasonable.

Accordingly, without making any observations on merits and without even ascertaining the correctness of the averments made in the petition, the instant writ petition is disposed of by granting liberty to the petitioner to file a comprehensive representation as regards her claim. In the

eventuality of any such representation being preferred within a period of two weeks from today, respondent No.2 i.e. The Director, Public Instructions (S.E.), Punjab would be obligated to consider the same and to take a final decision thereupon within a period of six weeks from the date of submission of such representation.

Disposed of.

14.12.2017*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No