

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

**CWP-29376-2017 (O&M)
Date of decision: 21.12.2017**

Manpreet Kaur

... 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 Scheduled Castes (R&O) category candidate in the year 2011. Result of the examination was declared on 29.07.2011 and the petitioner secured 89 marks.

The advertisement dated 20.11.2015 was issued by the Department of Education, State of Punjab for filling up various posts including 1000 posts of Punjabi Masters/Mistresses. Petitioner applied in response to the advertisement dated 20.11.2015 and cleared the prescribed subject test securing 90 marks. As per criteria disclosed in the advertisement, the total marks secured by the petitioner came to 179 i.e. by adding 89 marks secured in the PSTET Examination.

Counsel contends that pertaining to the SC (R&O) category, the last candidate selected and appointed secured 182 marks.

The instant petition has been filed on the basis of subsequent development, whereby result of the petitioner for the

PSTET Examination stands revised and the petitioner has been assigned 93 marks. Accordingly, it is urged that the total merit of the petitioner would be 183 marks instead of 179 that had been calculated earlier.

Counsel argues that a candidate securing 182 marks of the same category i.e. SC (R&O) 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 Recruiting Agency has already revised the merit position of the petitioner in the light of the additional four 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.

21.12.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No