

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CWP No.8811 of 2016 (O&M)
Decided on : 28.02.2017

Navpreet Singh

... Petitioner

Versus

State of Punjab and others

.. Respondents

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

Present : Mr.HPS Ishar, Advocate
for the petitioner.

Mr.J.S.Bhullar, DAG, Punjab.

G.S.Sandhawalia, J. (Oral)

CM No.5754 of 2016

With the consent of the parties, the main case is taken up, today along with the application which has been filed for modification of the interim order dated 09.05.2016 in view of the fact that the pleadings are complete.

CWP No.8811 of 2016

In the present writ petition, filed under Article 226 of the Constitution of India, direction was sought for the appointment to the post of Lecturer (Political Science), being fully eligible and higher in merit after considering the marks obtained by the petitioner in aptitude test against Roll No.751499316 issued by the respondent No.3.

It is case of the petitioner that public notice was issued

inviting applications for the appointment to the post of lecturers on various posts. The detailed notice containing eligibility conditions etc. was published on the website (Annexure P/1). The petitioner made online applications for the post of lecturer in Political Science and Punjabi. The aptitude test was common for all the subjects. However, the petitioner was issued two roll numbers 751499316 and 752599061 for the aptitude test, which was to be held on the same day and at different centres. The petitioner thus, appeared in the aptitude test against roll number 751499316, and secured 118 marks, but could not appear in the other aptitude test against the subject of Political Science where he was shown to be absent.

In the similar circumstances, another candidate namely, Swaran Singh son of Gurnek Singh had also applied for the post of lecturer in Punjabi and Political Science, but in his case, marks secured by him against roll No.751499004 for the aptitude test had been considered in both the categories whereby he got 97 marks. On account of the mistake as such committed, the petitioner was not being considered for the appointment against the subject of Political Science.

Keeping in view the said contention, notice of motion was issued by this Court, on 19.05.2016, and it was directed that the petitioner would be permitted to apply and, be duly considered for the post of Lecturer in Political Science after taking into account 118 marks against the aptitude test which he had obtained, subject to final decision of the writ petition.

In the written statement now filed, it has been averred that Education Recruitment Directorate vide different advertisements dated 20.11.2015, had advertised 150 posts of Lecturer (Political Science) and 55 posts of Lecturer (Punjabi). One of the condition for selection of these posts was that the candidates had to appear in the written tests for Aptitude (Paper-I) and Concerned subject (Paper-II) having maximum 150 marks each.

In terms of interim order dated 19.05.2016 passed by this Court, the petitioner was considered against the post of lecturer (Political Science) as he secured 234 marks, which was within the zone of consideration. The Recruitment Directorate had kept one post vacant subject to the final outcome of this petition. It was further submitted that the petitioner had already been selected as Lecturer (Punjabi).

The contents of the paragraph whereby the aptitude test was common, and that, one Swaran Singh, was similarly placed, and had been given the benefit of the appearance in the subject of Political Science, has also been admitted. The fact that mistake which was committed was on account of technical ground, has also been admitted by the respondents in their reply.

Keeping in view the above, the present writ petition is allowed. Since the petitioner falls in the zone of eligibility for the post of Political Science, accordingly, the respondents shall issue necessary appointment letter to the petitioner within a period of four weeks from the date of receipt of the certified copy of the order.

In view of the mistake as such committed, the petitioner will also be entitled for the seniority keeping in view his merit, to avoid needless litigation.

[G.S.Sandhawalia]
Judge

28.02.2017
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No