

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.154 of 2017 (O&M)

Date of Decision: March 27, 2017

Daljit Kumari

.....Appellant

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.R.K.Arya, Advocate, for the appellant.

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Surya Kant, J. (Oral)

The controversy pertains to the appellant's eligibility for the post of Social Education Mistress which was advertisement by the Recruitment Board-cum-Director General, School Education, Punjab vide advertisement dated 20.11.2015 (P-1). The following is the mode of selection prescribed in the advertisement:-

“3. Mode of Selection:-

The candidates who have passed Punjab State Teacher Eligibility Test-2 (P.S.T.E.T.-2) will be eligible for these posts. For filling of these posts a State Level written test of 150 marks will be conducted in the concerned subject. The candidates who have secured 75 marks will be considered to have passed this test. The (S.C., S.T., O.B.C., B.C. and handicapped candidates will be granted relaxation of 5%, i.e., 8 marks) and also fulfill other terms and conditions prescribed in the advertisement against these posts i.e. education/professional qualification. The merit of the candidates will be prepared by calculating the marks obtained in the written examination in the concerned subject and marks obtained

in Punjab State Eligibility Test-II.....”

[2] The appellant applied in the category of ex-servicemen (General) and as per the result of written examination, she got 94 out of 150 marks. In the final selection list, the appellant was declared ineligible on the ground that her marks in the Punjab State Teachers Eligibility Test (for short, 'PSTET') were less than 90.

[3] Learned Single Judge has also turned down the appellant's claim.

[4] We have heard learned counsel for the appellant and gone through the record.

[5] It is a matter of record that the appellant 'qualified' the PSTET test as an OBC candidate with 86 out of 150 marks and she has been declared qualified in the said reserved category.

[6] As regard to the qualifying marks in the PSTET, the appellant has placed on record the criteria which reads as follows:-

“QUALIFYING ... MARKS

A person who scores 60% or more in the PSTET exam will be considered as PSTET pass.

Punjab Govt. has decided to give concession of 5% in PSTET to the persons belonging to SC/ST/OBC, differently abled persons etc., in accordance with their extant reservation policy;

This weightage to the PSTET scores in the recruitment process; however, qualifying the PSTET would not confer a right on any person for recruitment/employment as it is only one of the eligibility criteria for appointment.....”

(emphasis applied)

[7] It may be seen that a candidate was required to secure 60% or more marks in the PSTET exam to qualify i.e., 90 out of 150 marks. There

is concession of 5% marks for SC/ST/OBC and differently abled persons etc. and because of that concession only that the appellant was declared qualified as OBC candidate. It is an admitted fact that she was not a candidate for the post of S.E.Mistress in OBC category, rather applied in ex-serviceman (General) category for which she was required to fulfill the eligibility conditions prescribed for General category candidates. Since the appellant has not secured 60% marks in PSTET, she has been declared ineligible for the post in ex-serviceman (General) category.

[8] In our considered view, no fault can be found with the decision taken by the Competent Authority. Though the appellant is fully eligible and qualified to compete in OBC category but for being eligible in General Category and/or for such posts where eligibility conditions are at par with General Category candidates, she will have to fulfill the eligibility criteria of open Category only. Since the appellant has not got the requisite marks in PSTET, no fault can be found with the impugned action.

[9] No case to interfere with the order under appeal is made out.

[10] Dismissed.

[SURYA KANT]
JUDGE

March 27, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

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