

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13704 of 2012 (O&M)
Date of Decision: 16.10.2018

Joginder Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ashok Bhardwaj, Advocate,
for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. H.N. Mehtani, Advocate,
for respondent No.2.

Mr. R.K. Malik, Sr. Advocate,
with Mr. Sandeep Kumar Rana, Advocate,
for respondents No.3 to 8.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioners are Ex-Servicemen who applied for the post of Lecturer in English (School Cadre) in the advertisement No.3 of 2009 inviting applications from eligible persons. A total of 16 posts were reserved for Ex-Servicemen category. Ten posts were for male and six posts for female category. Respondents No.3 to 8 were selected from dependents of Ex-Servicemen (Female category). Their reservation status would fall under Article 15 of the Constitution of India and, therefore, male candidates in the Ex-Servicemen/Dependents of Ex-Servicemen category cannot compete with the female category candidates and the petition qua respondents No.3 to 8 must fail and is dismissed for want of standing.

2. As far as Sanjay Kumar is concerned who has been arrayed as

respondent No.9 he is said to be dependent of Ex-Serviceman. His case is explained by the Haryana Public Service Commission in its reply dated November 08, 2012 in the following words:-

“That for calling the candidates for scrutiny of the interview from the male and female category within the reservation of Ex-Servicemen/Dependent of Ex-Servicemen the condition conducted a screening test and allowed all the candidates who applied for the post of Lecturer (School Cadre) in the subject of English irrespective of their eligibility at that stage to appear for the said test. The Commission decided to call candidates three times the number of posts for each category for interview. The result of the screening test was declared on December 31, 2010.”

3. There was an important notice in the result declared which reads as follows in continuation of the quote above:

“Important Notice:-

Above mentioned candidates have been placed in three time zone subject to their fulfilling the conditions of eligibility. In case a candidate out of the three time zone is adjudged ineligible before or at the time of interview, in such a case the candidate next in order of merit and otherwise eligible in all respect from among those who are not in three time zone will be called for interview in lieu of the candidate adjudged ineligible.”

4. Accordingly, as per reply it is borne out that the cut off marks for the ten posts earmarked for Ex-Servicemen Male was fixed at 45 and 31 candidates were short-listed for calling them for interview. However, at the time of scrutiny of eligibility of 31 candidates it was discovered that out of them 4 candidates having roll Nos.2026, 4638, 5664 and 6358 were ineligible on account of their not possessing the requisite qualifications. The

Commission made an announcement that in case a candidate out of the three-times zone is adjudged ineligible before or at the time of interview in such a case a candidate next in order of merit and otherwise eligible in all respects from among those who were not in the three-times zone would be called for interview in lieu of candidates adjudged ineligible. Accordingly, in lieu of the aforesaid 4 candidates adjudged ineligible, seven candidates including Sanjay Kumar-respondent No.9 (Roll No.5270) whose roll numbers did not initially come within the three-times zone on the basis of the result of the screening test were called for interview. On the basis of performance in the interview, respondent No.9 came within the zone of selection.

5. This is a complete answer to the doubt expressed by Mr. Bhardwaj as to correctness of the procedure followed in the selection process. The methodology adopted by the Commission was fair and just and calls for no interference.

6. As a result, on both counts, the petition fails and is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

16.10.2018
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No