

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

**CWP No.17589 of 2017
Date of Decision: 15.12.2018**

Amit Kumar

..... Petitioner

Versus

State of Haryana & Ors.

..... Respondents

CORAM: HON'BLE MRS. JUSTICE RITU BAHRI

Present: Mr. Sunil K. Nehra, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. A.G. Haryana.

RITU BAHRI, J. (Oral)

Petitioner is participating for the post of Constable (General Duty) in the S.C. Category, pursuant to the advertisement (Annexure P-1). As per the criteria mentioned in the Notificated dated 18.06.2015 (Annexure P-2) the criteria for awarding marks in view of the notification dated 18.06.2015 is reproduced as under:-

“(9) Interview-cum-Personality Test (I-PT):-

(a) Candidates who qualify the Physical Screening Test shall be called for Interview-cum-Personality Test on the basis of their combined scores in (Physical Screening Test+Knowledge Test Physical Measurement Test), upto maximum three times the number of vacancies advertised in each category.

(b) The Interview test shall be of total ten marks. Further distribution of ten marks for the Interview test shall be as follows:-

(i) Education (maximum 02 marks): Candidate with

higher education i.e. with Graduate degree shall get one mark; while, candidate with Post Graduate degree shall get total 02 marks.

(ii)NCC Certificate (maximum 03 marks): Candidate having highest NCC certificate of A, B or C, level shall get 01, 02 and 03 marks respectively.”

The case of the petitioner is that as per the advertisement total posts for the SC category were 1000 and the last selected candidate in the SC category got 54.60 marks. No marks have been awarded to the petitioner for being graduate.

Learned State counsel has vehemently opposed the prayer made by the petitioner, he has referred to the result giving detailed mark card (Annexure P-10) whereby, Maharshi Dayanand University, Rohtak has given a mark sheet on 06.07.2016 that petitioner has cleared his Electronic & Comm. Engineering with 3353 marks. He further submits that this mark sheet has been issued after the cut of date i.e. 06.10.2015.

Learned counsel for the petitioner has referred to the application form (Annexure P-6) which was given before the cut of date i.e. 06.10.2015. In this application form the petitioner has given the details that he has done B.Tech. form Maharshi Dayanand University, Rohtak in the year 2015 and has obtained 3353 marks out of 6060 marks in Second Division and he has referred to the declaration of the result of Maharshi Dayanand University, Rohtak (Annexure P-9) which is dated 30.04.2015 and he has been declared as pass.

Learned State counsel has taken the objection that this result is with respect to 8th semester. Counsel for the petitioner has again referred to

the certificate issued by Maharshi Dayanand University, Rohtak (Annexure P-8) on 24.07.2017 wherein it has been clarified that petitioner has passed all semesters of B.Tech. on 25.04.2015.

Learned State counsel further objected to the certificate issued by Maharshi Dayanand University, Rohtak (Annexure P-8) on the ground that as per the detailed mark sheet it has been issued on 06.07.2016/

The detailed mark sheet may have been issued on 06.07.2016 but the petitioner had cleared this examination on 25.04.2015 as in the application for (Annexure P-6) his total marks were reflected 3353 as is evident from the mark sheet (Annexure P-10).

The only objection is that the mark sheet has been issued after the cut of date i.e. 06.10.2015. Since this certificate (Annexure P-8) clarified that the petitioner has passed all the semesters on 25.04.2015, the petitioner has reflected the correct marks even in the application form (Annexure P-6) that it was before the cut of date hence qualifying the B.Tech. before the cut of date cannot be disputed by the respondent. However, they are at liberty to verify from the Maharshi Dayanand University, Rohtak with regard to whether they have issued the certificate or not.

The petitioner is held entitled for one more mark as per the criteria (Annexure P-2) for graduation and if one mark is added the total comes to $54.50+1=55.50$, which is higher than the last selected candidate in the SC category who has secured 54.60 marks.

The writ petition is being allowed, the petitioner is held entitled for one more mark and with all consequential benefits except salary.

The needful be done within three months.

(RITU BAHRI)
JUDGE

December 15, 2018
Sunil Devi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/NO</i>