

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.242

CWP-17840-2017

Date of decision : 21.05.2018

Monu Kumar

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. K.K. Chahal, Advocate, for the petitioner.

Mr. Hitesh Pandit, AAG, Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioner is a candidate for the post of Constable (Male) in the General Category. Five thousand posts of Male Constables (General Duty) were advertised vide advertisement No.08/2015, published on 19.07.2015. The closing date for submission of online application was 06.10.2015. It is the case of the petitioner that all requisite documents were supplied on or before 06.10.2015. He appeared in the written test and cleared the same and was thereafter, called for interview. The break-up of marks for interview is as follows:-

1. Physical Screening Test (PST)	=	15 marks
2. Knowledge Test (KT)	=	60 marks
3. Physical Measurement Test (PMT)	=	15 marks
4. Interview-cum-Personality Test	=	10 marks
(a) Higher Qualification	=	2 marks
(b) NCC	=	3 marks
(c) Interview	=	5 marks
Total	=	100 marks

On the basis of the performance of the petitioner, he secured total of 65.15 marks in the General Category. The last candidate selected in General Category secured 65.50 and thus, the petitioner was declared not selected.

Aggrieved by his non-selection, the petitioner has filed this writ petition. His grievance precisely is that he was not given additional one mark for higher qualification. Eligibility criteria prescribed, minimum qualification of 10+2 and knowledge of Hindi/Sanskrit upto Matric standard. The petitioner being a graduate claims that he is entitled to one mark for the qualification of Graduation.

The stand of the State is that the petitioner is not entitled for one additional mark on account of Graduation because his Certificate of Graduation is dated 08.06.2016. Thus, it is obvious that the petitioner became a Graduate after the cut-off date prescribed in the advertisement i.e. 06.10.2015 and therefore, denial of one mark for higher education was justified.

I have heard learned counsel for the parties and with their able assistance have gone through the record of the case.

The result-cum-detailed marks card of every semester of Bachelor of Technology course has been placed on record as Annexure R-2/1. A perusal thereof shows that each semester was cleared by the petitioner much prior to the cut-off date i.e. 06.10.2015. However, the consolidated result of all eight semesters were declared vide certificate dated 08.06.2016. It is common knowledge that the final result is declared much after the actual date of the examination. This alone does not show that the petitioner did not have the required qualification as on 06.10.2015. The score/marks card with respect to each semester shows that the petitioner had cleared his eight semesters in the

year 2013. He was thus, entitled to grant of additional mark for higher qualification. Had this additional mark be given to him, he would have secured 66.15 marks, which is higher than the marks secured by the last selected candidate.

In view of the above, the writ petition is allowed. Respondent No.2, is directed to grant one additional mark to the petitioner on account of higher qualification and prepare a revised result accordingly, accommodating the petitioner at the appropriate place on the basis of marks secured by him. This exercise may be done within a period of four weeks from the date of receipt of certified copy of this order.

(SUDHIR MITTAL)
JUDGE

21.05.2018

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes / No

Yes/ No