

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

**CWP No. 23660 of 2016
Date of decision : 18.09.2018**

TabssumPetitioner
versus

State of Haryana and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Alka Chatrath, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G. Haryana

Mr. K.K. Gupta, Advocate
for respondent No. 4

RITU BAHRI, J. (Oral)

Pursuant to advertisement No. 04/2015 dated 28.06.2015, the petitioner applied for the post of PGT Urdu vide registration No. 51100080 against category No. 18 vide which applications were invited for 08 posts of PGT (Urdu) advertised for the (Rest of Haryana) under General category. The petitioner appeared in the written examination on 23.05.2016 and the result was declared on 20.09.2016. As per result, the petitioner qualified the written examination. The roll no of the petitioner was also included amongst the candidates who have qualified the written examination. There were total 08 posts out of which 06 posts are meant for general category and further since there is 33% reservation for women, as such, 02 posts were to be filled up from women belonging to General category. As per result dated 20.09.2016 (Annexure P-4), the marks of the last qualified male candidate is 98 and female candidate is 72. Vide letter dated 21.09.2016 (P-5), the petitioner was called for interview, to be held on 30.09.2016. However, on the same day, the final result was declared on 30.09.2016 (P-6) and the name of the petitioner was not included despite the fact

that there were only 03 women candidates for two posts i.e Saroj Yadav, Raunak and the petitioner. The petitioner came to know that she was not considered eligible after the interview by wrongly calculating her merit for fulfilling the condition of having 50% marks in the aggregate of 10th+2/BA and MA for “Good academic record”.

Similarly the petitioner also submitted her application form under registration No. 52900052 against category No. 34. She cleared the written examination and was called for interview on 06.10.2016 but she was not interviewed on the ground that she is not having good academic record i.e she does not have average of 50% marks in the aggregate of 10th+2/BA and MA.

At the very outset, learned counsel for the petitioner has relied upon notification dated 22.03.2018 (Annexure P-11 and P-12) whereby the Governor of Haryana has amended the Haryana State Education School Cadre (Group-B) Services, 2012 and Mewat District School Education (Group-B) Service Rules, 2012 and vide this amendment, the Note-3 of the Rules has been substituted w.e.f 28.06.2016, which reads as under:-

Note 3:- In case of direct recruitment, good academic record means the candidate having 50% marks after taking average of any three examinations from 10th/10+2/Graduation/Post Graduation, as the case may be. However, the candidate must have at least 50% marks in Post Graduation, except PGT (Computer Science) and in case of PGT (Computer Science), the candidate must have at least 55% marks in Post Graduation/Graduation, as the case may be.”

Learned counsel for the petitioner has further contended that the Government further substituted the condition of Good Academic Record w.e.f 28.06.2015 and corrigendum dated 01.09.2016 was issued where the condition of Good Academic Record was substituted with the following:-

(iii) In case of direct recruitment “Good Academic Record” means the candidate having 50% marks after taking average of all examination i.e 10th/10+2/Graduation/Post Graduation as the cases may be. However, the candidate must have at least 50% marks in Post Graduation.

Learned State counsel has not disputed the above said fact.

As per amended Rules as Haryana State Education School Cadre (Group-B) Services, 2018 and Mewat District School Education (Group-B) Service (Amendment) Rules, 2018, the petitioner is fully eligible for selection under Category No 18 (Haryana Cadre) and category No. 34 (For Mewat District) for determination of Good Academic Record, the candidates having 50% marks after taking an average of any three examinations from 10th/10+2/Graduation/Post Graduation is to be considered with 50% marks in the Post Graduation. The petitioner has obtained more than 50% marks in three subjects as per the chart reproduced as under:-

<i>Examination</i>	<i>Total Marks</i>
10 th	248/600
12 th	207/500
Graduation	871/1800
Graduation Urdu additional subject	321/600
Post Graduation	512/800
Total	2159/4300

In view of the above factual position, the writ petition stands allowed and direction is given to respondents to consider the petitioner eligible for selection under Category No 18 (Haryana Cadre) and category No. 34 (For Mewat District), in view of notification dated 22.03.2018 (Annexure P-11 and P-12). This exercise shall be completed within a period of four weeks.

September 18, 2018
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No