

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-27258-2016

Date of decision: 08.08.2018

Aanchal Chaudhary

...Petitioner

V/s.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Rajesh Bansal, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Jagjeet Beniwal, Advocate for respondent No. 4.

RITU BAHRI, J. (Oral).

The petitioner is seeking writ of certiorari for quashing the action of respondents by not awarding one mark against graduation degree.

The case of the petitioner is that vide advertisement No.08/2015 dated 19.07.2015 (Annexure P-1), 1000 posts of Female Constable (General Duty) was advertised and out of this, 330 posts were reserved for general category. The petitioner submitted her application well in time. She was given admit card for interview-cum- personality test and she participated in the interview which took place on 17.10.2016 along with documents of educational degrees. The admit card given to the petitioner is at Annexure P-3. A perusal of the admit card (Annexure P-3) shows that interview-cum-personality test will be of 10 marks. A candidate with graduate degree will get one mark, candidate with post graduate degree will get 2 marks and candidate with NCC certificate will get 3 marks. This criteria for getting higher marks as per educational qualification was given to the petitioner for the first time in the admit card (Annexure P-3). At the

time of interview on 17.10.2016, she had brought all her documents. Annexures P-4 to P-6 are the mark-sheets of B.A. Exam. Annexure P-6 is the final mark-sheet of B.A. Exam which was issued on 19.12.2015 and the same was shown at the time of interview on 17.10.2016 and she had to get one mark for being graduate as per the condition mentioned in the admit card (Annexure P-3). It is further stated that the result was declared on 29.10.2016 (Annexure P-7) and the last selected candidate (impleaded as respondent No. 4) in the Female Constable (General Duty) category No. 2 had secured 54.50 marks and the petitioner had secured 53.65 marks. She has placed on record her result at Annexure P-8 which reflects that one mark has not been given to her for being graduate. If she had been awarded this one mark, she would have secured more marks than the last selected candidate in the Female Constable (General Duty).

In response to the writ petition, the respondents have taken a stand that the petitioner could not get one mark for her graduation qualification as the same was not mentioned in the application form. She had not annexed graduation certificate at the time of submission of application form and secondly this graduation certificate was shown at the time of interview. However, it is not denied in the written statement that for the first time, the criteria for getting higher marks as per educational qualification was given in the admit card (Annexure P-3).

Keeping in view this fact, if the candidates had brought educational certificates pursuant to the admit card, they have right to get marks on account of being graduate, post graduate and NCC certificate. As per the marks given by the Haryana Staff Selection Commission (Annexure P-8), one mark is awarded to the petitioner for being graduate.

Accordingly, the total marks of the petitioner are 54.65, higher than the last selected candidate, who has got 54.50 marks.

Keeping in view the above, the writ petition is allowed. The respondents are directed to issue appointment letter to the petitioner with all consequential benefits within a period of four weeks from the date of receipt of certified copy of the order.

08.08.2018

Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No