

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

CWP-4133-2017 (O&M)

Date of decision: 03.10.2018

Anju Bala and another

...Petitioners

V/s.

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. J.S. Chahal, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

RITU BAHRI, J. (Oral).

CM-10009-CWP-2018

Application is allowed and notification dated 22.03.2018
(Annexure P-19) is taken on record.

CWP-4133-2017 (O&M)

The petitioners are seeking directions to the respondents to consider them under the head of 'Good Academic Record' Note-III of Appendix-B (Rule 7) of Haryana State Education School Cadre (Group-B) Service Rules, 2012 dated 11.04.2012 (Annexure P-1) and Note given under clause c of eligibility of the advertisement No. 4/2015 dated 28.06.2015 (Annexure P-4) modified vide corrigendum dated 01.09.2016 (Annexure P-7) by taking average 50% of all the academic examination including B.Ed (Bachelor/Graduation in education) i.e. essential academic qualification.

The stand taken by the respondents in the short reply is that the Commission has to make recruitment as per the provision of 'Good Academic Record' mentioned in the corrigendum dated 01.09.2016

(Annexure P-7) which reads as under:-

(iii) In case of direct recruitment "Good Academic Record", means the candidate having 50% marks after taking average of all examination i.e. 10th/12th/graduation/Post Graduation as the case may be. However, the candidate must have at least 50% marks in Post-Graduation."

Subsequently, learned counsel for the petitioners has placed on record a notification dated 22.03.2018 (Annexure P-19) whereby an amendment has been made in the Haryana State Education School Cadre (Group B) Service Rules 2012 in Appendix B which is as under:-

"(IV) for Note (iii), the following note shall be substituted and shall be deemed to have been substituted with effect from the 28th June, 2015 namely:-

(iii) In case of direct recruitment 'Good Academic Record' means the candidate having 50% marks after taking average of any three examination from 10th/12th/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."

As per the above said amendment, average of any three examination i.e. 10th/12th/graduation/post-graduation has to be 50% and a candidate must have atleast 50% marks in post-graduation except PGT Computer Science and in case of PGT Computer Science, a candidate must have atleast 55% marks. The petitioners are now eligible as per this notification.

Learned counsel for the State is not disputing notification dated 22.03.2018 (Annexure P-19).

Learned counsel for the petitioners has further informed that as per the result declared on 23.02.2017, 07 posts under ESM category are vacant due to non-availability of the eligible candidates and as per the instructions issued on 30.04.2018 by the Chief Secretary to Government of Haryana, that if the suitable candidates belonging to ESM category is not available then post has to be filled amongst the particular category of ESM. The petitioners had applied under the general category and if posts are still available under the ESM general category, the petitioners can be considered for appointment in view of the instructions dated 30.04.2018.

This petition is being disposed of by giving direction to the respondents to consider the petitioners for appointment to the post of PGT (Punjabi) keeping in view the notification dated 22.03.2018 (Annexure P-19) and instructions dated 30.04.2018 within a period of four months from the date of receipt of certified copy of this order.

Since the petition is disposed of, miscellaneous application, if any, also stands disposed of.

03.10.2018

Divyanshi

**(RITU BAHRI)
JUDGE**

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No