

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

LPA-395-2017 (O&M)  
Date of decision: 10.08.2018

Reena and others

.....Appellants

versus

The State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice A.B.Chaudhari  
Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Rajesh Arora, Advocate for the appellants  
Mr.Samarth Sagar, Addl.A. G. Haryana  
Mr.Rajinder S. Rana, for respondent no.4

1. *Whether Reporters of Local newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

**Kuldip Singh, J.**

The present LPA has been received by way of remand in view of the order dated 20.4.2018 passed by the Hon'ble Supreme Court, wherein the following order was passed:-

*The moot question arising for considering in this case is whether result communicated confidentially can take precedence over the official declaration of the result of an examination. No doubt, the confidential communication of the result is prior to the cut off date and the official declaration is after the cut off date.*

*We are informed that this issue is being considered by the High Court of Punjab & Haryana in L.P.A. No.362 of 2018 and connected matters. Therefore, we set aside the impugned*

*judgments in these cases and remit the matters to the High Court to be considered along with the L.P.A. No.362 of 2018 and connected matters.”*

The said Civil Appeal No.4240 of 2018 (arising out of S.L.P. (C) No.4712 of 2018) was filed before the Apex Court against order dated 11.1.2018 passed in LPA 395 of 2017, dismissing their appeal against order dated 16.2.2017, vide which Single Bench dismissed CWP No.2212 of 2017.

Connected LPAs have been heard today and have been disposed of. The case of the present writ petitioners is at different footing. Therefore, it is being taken up and decided separately.

The petitioners were candidates for the post of Post Graduate Teacher (History). Last date for applying online was 12.10.2015. The result of the petitioners of MA examination was not declared till the last date for applying online and was declared after 12 days of the last date for the receipt of the applications. In the result declared later on, the petitioners cleared the said examination and became eligible for the same. It was stated that the result was declared late by Kurukshetra University. Therefore, the petitioners are not at fault. The said submission failed to find any favour with the learned Single Bench.

In the connected LPAs, the writ petitioners applied to the University to forward their result confidentially before the last date fixed for online applications which the University did and conveyed to the Haryana Staff Selection Commission, which made the petitioners eligible for the post. In the connected LPAs, this Court has taken a view that when the University has power to declare the final result, it has also got the power to

declare provisional/ confidential result before official declaration of final result. However, the present case stands at a different footing. Here the petitioners did not apply for declaration of their result confidentially and consequently till last date of receipt of online applications i.e. 12.10.2015, result of the petitioners was not declared. Therefore, they did not fulfill the educational qualifications for applying for the said post. There is a marked distinction between the case of the present writ petitioners and the writ petitioners in the other connected cases, where result of the petitioners was confidentially declared by the University and conveyed to the appropriate authorities. Whereas, in the present case, the petitioners never applied to get their result confidentially and it was never conveyed to the Haryana Staff Selection Commission before cut off date. Therefore, the petitioners are to blame themselves for the same. Their final result was declared late i.e. after the passing of cut off date and consequently, the petitioners are not entitled to be considered for the post of Post Graduate Teacher (History) and their candidature was rightly rejected.

As a result of the foregoing discussion, the present LPA is dismissed.

**(A.B.Chaudhari)**  
**Judge**

**(Kuldip Singh)**  
**Judge**

**10.08.2018**  
*gk*

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|-----------------------------|-----|
| Whether speaking/ reasoned: | Yes |
| Whether Reportable:         | No  |