

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

LPA No. 941 of 2017 (O&M) in
CWP No. 724 of 2017

Date of decision: 8.5.2018

Anil Kumar

.. Appellant

VS

Rinku and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Deepak Sibal**

Present: Mr. Ram Niwas Sharma, Advocate, for the appellant.
Mr. Vivek Khatri, Advocate, for respondent no. 1.
Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.
Mr. Kanwal Goyal, Advocate, for HPSC.

Rajesh Bindal, J.

Order passed by the learned Single Judge allowing the writ petition has been impugned by filing the present intra-court appeal.

Challenge in the writ petition was to the selection and appointment to the post of Assistant Professor (College Cadre) in the subject of Defence Studies in pursuance to advertisement issued on 16.2.2016.

The issue sought to be raised by learned counsel for respondent no.1 is that respondent no.1 deserves to be granted 5 marks for the grading awarded to her by the Board of School Education Haryana in the 10+2

examination. As per the certificate, Annexure P-16, placed on record with the Civil Misc., the appellant secured grade 6.00, the equivalent percentage of which is GPA (Grade Point Average) multiplied by 10, which means 60 marks, hence, he was rightly awarded 5 marks for 10+2 examination, which have now been revised to 3 by the learned Single Judge by calculating the actual marks obtained by the appellant, which are 283 out of 500 marks. As against that respondent no.1, who was selected, secured 344 marks out of total 500 marks. The only difference is that she had passed her 10+2 examination in March, 2001, when no grading system was in existence. The learned Single Judge calculated the actual marks obtained by both the candidates and finding that she had secured more than 60% marks, awarded 5 marks to her and as a result she was held entitled to be selected.

At the time of hearing, it also transpired that for two years i.e. for sessions 2004-05 and 2005-06, the Board had followed the system of awarding GPA, otherwise the percentage used to be calculated as per actual marks obtained by a candidate.

Keeping in view the aforesaid facts, once as per the criteria laid down by the Commission for selection of a candidate, marks have been awarded on the basis of actual marks obtained in 10+2 examination. we do not find any error has been committed by the learned Single Judge.

It needs to be noticed that specific stand taken by the Commission is that same criteria has been followed for consideration of all the candidates, namely, the percentage of marks actually obtained by them in the educational qualification has been taken for awarding marks as per the criteria laid down.

We do not find any error in the order passed by the learned Single Judge. There is no merit in the present appeal. The same is accordingly dismissed. Consequently, the application for delay in filing the appeal is also dismissed.

(Rajesh Bindal)
Judge

8.5.2018
vs

(Deepak Sibal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No