

CWP-2622-2019 (O&M)

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

**CWP-2622-2019 (O&M)
Date of decision : 04.07.2019**

Jyoti

... Petitioner(s)

Versus

Haryana Staff Selection Commission and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Surender Dhull, Advocate for the petitioner.

AMIT RAWAL, J.

The petitioner has invoked the jurisdiction of this Court under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing respondent No.1/Haryana Staff Selection Commission to consider her candidature in ESM Category for post of PGT Chemistry, against Advertisement No.04/2015 in Category II.

It was alleged that the petitioner, in pursuance to the advertisement for filling up 442 posts for PGT Chemistry, including 102 posts of SC's Backlog Category, had submitted her application. The essential qualification for the said post was MSC Chemistry or Bio Chemistry with 50% marks and B.ED. from a recognized University. The petitioner passed her BSC in Chemistry in 2014 from BCRUST Murthal and B.ED in the year 2015 from Kurukshetra University, thus, was fully eligible. Since she was daughter of Ex Serviceman, therefore, had applied under ESM Category. Petitioner participated in the written examination held on 16.06.2016 and remained successful, but after interview/viva voce, but failed to find place in the selected candidates of 170 in General Category or

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ESM Category. In the meantime, the petitioner submitted application to respondent No.2 for issuance of an eligibility certificate being dependent of Ex Serviceman, which having validity for one year, was issued by the Department on 10.01.2018. The petitioner approached respondent No.1 along with certificate, but despite that, her candidature in ESM Category was not considered. The action of respondent No.1 is arbitrary, erroneous, much less, fallacious and liable to be set aside.

I have heard learned counsel for the petitioner, appraised paper book and of the view that there is no force and merit, for, in fact copy of the application form had not been attached. Eligibility certificate (Annexure P-3) is dated 10.01.2018, whereas examination was held on 16.06.2016 and result was declared on 16.11.2018, even there is no evidence or averment that the aforementioned certificate was handed over during scrutiny of the documents, so that, respondent No.1 could consider the same. In the absence of any assertion and accompanied by separate affidavit, it cannot be believed that the petitioner had actually annexed the certificate under ESM Category making eligible for consideration in ESM Category, rightly so, her name was not reflected in the list of selected candidates under ESM Category.

Keeping in view the above, the present writ petition is devoid of merit and the same is hereby dismissed. Consequently, the accompanying applications are also dismissed.

(AMIT RAWAL)
JUDGE

04.07.2019
Yogesh Sharma

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No