

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CM No.11281 of 2019 in/and  
CWP No.21972 of 2017  
Date of decision: 06.09.2019

|                           |        |                 |
|---------------------------|--------|-----------------|
| Suman Chaudhary           | Versus | ...Petitioner   |
| State of Haryana and Ors. |        | ... Respondents |

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Sunil K. Nehra, Advocate for the petitioner.  
Mr. Pankaj Mulwani, DAG, Haryana

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**B.S. WALIA, J. (ORAL)**

[1] Prayer in the writ petition is for the issuance of a writ in the nature of Certiorari for quashing the selection/appointment of respondent Nos.4 and 5 on the post of Primary Teacher made pursuant to advertisement No.2/2012, Annexure P-1 dated 08.11.2012 as also for the issuance of a writ in the nature of Certiorari for deleting the names of respondent Nos.4 and 5 from the joint/combined merit list, Annexure P-6 dated 02.06.2017 on the ground that respondent Nos.4 and 5 did not have the requisite qualification on the cut-off date i.e. 08.12.2012.

Prayer is also for the issuance of a writ in the nature of Mandamus directing the official respondents to appoint the petitioner on the post of Primary Teacher in place of respondent Nos.4 and 5 with all consequential benefits in view of the fact that her name figures at Sr. No.1 in the waiting list of the SC Category candidates.

[2] Learned counsel for the petitioner has brought it to the notice of the Court that during the pendency of the petition, the Secretary, Haryana

Staff Selection Commission, Panchkula issued communication, Annexure

A-1 No.HSSC/Confid./Mis-2/2019/419, dated 16.07.2019 to the Director, Elementary Education Haryana, Panchkula informing that candidature of Sh. Ranbir Singh (respondent No.4) had been rejected while the name of Smt. Suman Chaudhary (petitioner) had been included in the main merit list at Sr. No.8905-B and that in the circumstances, appointment letter be issued to Smt. Suman Chaudhary (petitioner) for the post of PRT against Advt. No.2/2012, Cat. No.01.

[3] Learned counsel for the petitioner further states that as per paragraph No.9 of the reply filed by respondent Nos.1 and 2, it has been mentioned that since respondent No.3 has considered the candidature of respondent Nos.4 and 5 inadvertently, therefore, the mistake, if any, had to be rectified by the Haryana Staff Selection Commission itself. Learned counsel contends that in the circumstances, a direction is liable to be issued to respondent Nos.1 and 2 to take action as per the recommendations of the Haryana Staff Selection Commission as contained in Annexure A-1 as referred to above.

[4] Learned DAG does not oppose the prayer of the petitioner.

[5] In the light of the position as noted above, the writ petition is disposed of by directing respondent Nos.1 and 2 to take action and issue appropriate orders as per the recommendations of the Haryana Staff Selection Commission as contained in Annexure A-1 (i.e. Communication No.HSSC/Confid./Mis-2/2019/419, dated 16.07.2019) in accordance with law as expeditiously as possible preferably within six weeks from today.

(B.S. Walia)  
Judge

06.09.2019  
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