

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

CWP No.2720 of 2018 (O&M)

Date of Decision: 04.07.2019

Kamaldeep Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Arvind Galav, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J.(ORAL)

Grievance of the petitioner is that in the written examination followed by Teacher Eligibility Test (TET) for the year 2011 undertaken by her, she had initially been awarded 180 marks and on re-evaluation, the same were increased to 183 and a public notice qua revised merit list as per marks obtained after re-evaluation was to be issued by the respondents on its website but the same was never uploaded.

2. Not only that, the petitioner was even otherwise never intimated of the increased marks. Pursuant thereto petitioner remained in the merit list as per 180 marks obtained by her. As per the unrevised merit list, she does not have the requisite marks to be considered/appointed as 'Teacher' in Punjabi pursuant to the TET examination qualified by her.

3. Later on, when on her own, she checked the merit list,

she found that the last selected person in 'Scheduled Caste (R&O) Category' had obtained 180 marks, which are equal to the marks obtained by the petitioner. The petitioner approached the respondents but to no avail. Hence the present writ petition.

4. Learned State counsel submits that averment of the petitioner that her marks have been re-evaluated appears to be incorrect. She submits that re-evaluation of the marks of the petitioner is yet to be carried out.

5. While on the other hand, learned counsel for the petitioner has drawn my attention to the result (Annexure P-6) declared by the respondents pursuant to the written examination wherein the petitioner is shown to have been issued a roll No.711684458 and has secured 98 marks followed by TET examination wherein she has been issued roll No.20049956 and has secured 85 marks. He submits that merit list is prepared by adding the marks obtained in the written examination as well as in the TET examination. The sum total of both, he submits clearly comes out to 183 and, therefore, the submission of learned State counsel that the re-evaluation of the petitioner is yet to be carried out, on the face of it, is incorrect, per his contention.

6. In the premise, writ petition is disposed of with a direction to the respondents to consider the case of the petitioner as per the re-evaluation of the marks and accord her benefit of said marks. If found meritorious and eligible, then issue her an appointment letter provided, of course, the vacancies are still available in the 'Scheduled Caste (R&O) Category' pursuant to the

advertisement dated 20.11.2015 (Annexure P-3).

7. On a query posed by Court, learned State counsel on instructions from Surinder Singh, Senior Assistant submits that 14 vacancies in 'General Category' and 13 in 'SC (R & O) Category' are still available.

8. In this view of the matter, it is expected of the respondents to accord the benefit of merit to the petitioner vis-a-vis the availability of vacancy in accordance with law.

9. Let the needful be done within a period of one month from the date of receipt of a certified copy of this order.

10. Disposed of in above terms.

04.07.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No