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

**CWP-3399-2018 (O&M)
Date of decision : 09.07.2019**

Anoop Chopra

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. M.S. Rana, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

Mr. Kanwal Goyal, Advocate
for respondent No.2.

AMIT RAWAL, J. (ORAL)

Prayer in the writ petition is for issuance of a writ in the nature of *certiorari*, quashing impugned order dated 24.07.2017 (Annexure P-9) and 21.08.2017 (Annexure P-12), whereby on account of not having good academic record, candidatures has wrongly been rejected.

Learned counsel for the petitioner submits that in pursuance to the advertisement issued by Haryana Public Service Commission for filling up the posts of Assistant Professor under various categories, the petitioner belonging to DESM Category, applied for the aforesaid and remained successful, but was not called for scrutiny of the documents or interview. The Department had done away with the academic qualifications of the candidates belonging to both ESM and DESM Categories.

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Learned counsel for respondent No.2 submitted that corrigendum dated 15.03.2016 (Annexure P-3) pertained to only ESM Category and not to DESM. The eligibility criteria, as per reply, is as under:-

"(a) Good academic record with at least 55% of the marks or an equivalent grade of B in the 7 point scale with letter grades O,A,B,C,D,E and F at the Master's Degree level in the relevant subject from an Indian University or an equivalent degree from a Foreign University."

The petitioner possessed 40.50% in Matriculation, 43.60% in Intermediate and 47.75% in Bachelor degree, thus, had not fallen in the list of selected candidates and rightly so, not called for interview.

I have heard learned counsel for parties, appraised the paper book and gone through the averments of reply gone un-rebutted, in the absence of any rejoinder, thus, of the view that once the petitioner possessed 40.50% in Matriculation, 43.60% in Intermediate and 47.75% in Bachelor degree against the aforesaid eligibility criteria i.e. 55% marks and the corrigendum dated 15.03.2016 (Annexure P-3) relied upon by the petitioner do not relate to candidates belonging to DESM category. For the sake of brevity, the said corrigendum reads as under:-

"In continuation of Advertisement No. 10/2016 published on 16.02.2016 in various newspapers for filling up of 1647 posts of Assistant Professor (College Cadre) for various subjects, it is hereby announced for the general information of the ESM category candidates who are applying for these posts in various subjects that as per Govt. Instructions No. 2903-4 GS-II-72/18471 dated 19.06.1972 that in case of ESM category

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candidates applying for the posts reserved for them, the condition of a particular division in MA / BA / Intermediate / Matriculation is not necessary and the condition of percentage of marks in the minimum qualification is relaxed to that extent according to the Govt. instructions dated 19.06.1972. Accordingly, the last date for submission of online application forms is hereby extended upto 22.03.2016 (28.03.2016 for depositing the fees in the Bank) for candidates of all categories".

Keeping in view the above, no case is made for for judicial intervention under Articles 226/227 of the Constitution of India. The present writ petition is devoid of merit, accordingly, it is dismissed.

09.07.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**