

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

Date of Decision: November 08, 2019

Rajesh Kumar

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Arjun Sheoran, Advocate,
for the petitioners in CWP Nos.24761 & 24781 of 2019.

Mr. Amit Arora, Advocate,
for the petitioners in CWP Nos.25053, 25146 & 25681
of 2019.

Mr. Amit Kaith, Advocate,
for the petitioner in CWP No.25612 of 2019.

Mr. S.K.Tripathi, Advocate,
for the petitioners in CWP No.25227 of 2019.

Mr. D.R.Bansal, Advocate,
for the petitioner in CWP No.25270 of 2019.

Mr. Sunny Dhull, Advocate,
for the petitioner in CWP No.27242 of 2019.

None for the petitioners in CWP No.26512 & 27367 of 2019.

Ms. Shruti Jain Goyal, DAG, Haryana,
for the State.

Mr. Sameer Sachdeva, Advocate,
for Board of School Education, Haryana.

AMIT RAWAL, J.

This order of mine shall dispose of eleven (11) writ petitions bearing No.24761 (Rajesh Kumar Versus State of Haryana & others), 25053 (Kuldeep Versus State of Haryana & others), 25146 (Kuldeep Versus State of Haryana & others), 25612 (Rubi Rani Versus The State of Haryana &

others), 25227 (Rajinder Singh & others Versus State of Haryana & others), 25270 (Ashu Rani Versus State of Haryana & others), 24781 (Meera Kumari & others Versus State of Haryana & others), 27242 (Shispal Versus State of Haryana & another), 25681 (Ankul Dhull Versus State of Haryana & others), 26512 (Praveen Kumar Versus State of Haryana & others) and 27367 (Megha Bedi Versus State of Haryana & others) of 2018 as the identical question of fact and law is involved.

The facts leading to filing of the present writ petitions are that the Haryana School Shiksha Pariyojna Parishad (HSSPP), vide advertisement dated 15.06.2019 (Annexure P-4), invited online applications for filling up 1207 posts of Assistant Block Resource Coordinators (ABRCs) on contractual basis for a period of one year and extendable on yearly basis by fixing the following essential qualification and as well as selection criteria:-

“Essential qualification (EQ) for the post of ABRC:-

*(i) Post Graduate in 1st class with B.Ed/M.Phil/UGC Net;
and*

*(ii) Matric with Hindi/Sanskrit or 10+2/B.A./M.A.with Hindi
as one of the subject*

and

Preference will be given to candidates having knowledge of computer in Microsoft office including Excel, Access and power point and experience in Government Department.

Age: The age limit for the above post of ABRC is between 18-42 years as on the closing date of application.

Relaxation in Age:

In the case of candidates belonging to the Schedule Caste, Schedule Tribes and Backward Classes, Ex-Servicemen, Physically challenged and Widow/Divorcees etc., the upper age limit shall be such as may be fixed by the Govt.of Haryana

from time to time.

Pay Scale: The incumbent will be appointed in the pay band/Grade pay of PB-II (9300-34800+GP 4200) Rs. 12090+4200=Rs.16290/- per month.

Application Fee: Application fees (non-refundable) amounting to Rs.500/- for General Category candidates and Rs.250/- for Female/SC/BC/ESM/PHC candidates of Haryana State will be pay online after filling of application. Candidates belonging to other reserved categories (SC/BC/ESM/PHC candidates of Haryana State) must ensure that they have valid caste certificate issued by the competent authority. In case, at the time of verification of documents, it is found that certificates are not valid, their candidature will be rejected and fees of such candidate will be forfeited.”

Special Instructions:

1. The final selection shall be made on the basis of selection criteria given below:-

Selection Criteria:

Component (1)	Max.Weightages (2)	Marks Calculation of Score (3)
10+2	5	0.05 of percentage of marks obtained
Graduation	10	0.1 of percentage of marks obtained
Post Graduation	25	0.25 of percentage of marks obtained
B.Ed./M.Phil/UG C NET	5	
Experience of computer in Microsoft, Office including excel, Access and power point in Government Department	5	One mark for each completed 6 months
Total (Based on academic score and experience)	50	
Written test	50	
Weightage for total marks	100	Marks obtained x 50 Total Marks

Note:- Written test of objective type will be conducted.

i) The objective type will be of 100 marks, consist of General Knowledge, Mental Ability (Reasoning & Quantitative Technique), Child Development and psychology, Hindi and English (Matric level) and duration of the paper will be 2 hours.

ii) Minimum scores of 45% for SC/PH and 50% marks for others in aggregate in accordance is required for selection.”

All the petitioners being aspirants belonging to, different communities/castes, submitted applications by annexing the requisite qualifications of matriculation and graduation etc. and were issued admit cards for appearing in the written examination to be conducted on 17/18.08.2019. Intention of the HSSPP as per the terms and conditions was to call 1.5 times the number of candidates in each category for the purpose of verification of the documents scheduled. Vide Annexure P-8, the result was declared where some of the petitioners were found to have been qualified. The terms and conditions also envisaged for verification of the documents post declaration of the result and in this regard, notices were also sent to the candidates, but according to the averments, it was postponed owing to certain unforeseen circumstances. The petitioners visited the office of 2nd respondent at Panchkula on 30.08.2019, raised the grievance and protest of having deprived the chances to appear for documents verification, but was not acceded to. Vide Annexure P-11 (colly) dated 02.09.2019, Board released the provisional result. Vide another letter dated 02.09.2019, respondent No.2 called for the scrutiny of documents on 04/05.09.2019. The grievance of the petitioners, according to the submissions of the learned counsel collectively, is that other candidates were called for documents verification, whereas the petitioners, despite being shortlisted vide shortlist

dated 28.08.2019, denied the opportunity of consideration for the aforementioned post. Respondents were required to call 1.8 times the number of posts as compared to 1.5 times and, therefore, suspected foul play at the hands of respondent No.2.

This Court, noticing the aforementioned contentions, vide order dated 06.09.2019 called upon the respondents to accept and file affidavit justifying the cause for not calling for the petitioners despite having qualified. In response thereto, respondents through Ms.Shruti Jain Goyal, learned Deputy Advocate General, Haryana filed the written statements in Court and supported the stand by raising the following submissions:-

- 1) It was a technical error at the time of uploading the list of candidates, who were shortlisted and called for documents verification and in this process, the processing agency was stopped to take further step and accordingly the notice dated 29.08.2019 was withdrawn;
- 2) Respondent No.2 issued a letter dated 30.08.2019 (Annexure R-4), whereby the error in uploading the provisional list for documents verification was pointed out. In response to the letter of respondent No.2, respondent No.3 reiterated vide letter of even date, intimated that the Board had taken all the measures to ensure preparation of the fair result. It was owing to the technical glitch, the candidates were caused inconvenience;
- 3) The final list of the candidates to be called for document verification was displayed on 02.09.2019 and the candidates shortlisted were called for verification of documents on 04.09.2019 and 05.09.2019;
- 4) As per the criteria, the candidates belonging to Scheduled Caste/Physically Handicapped category were required to score minimum 45% marks in the written examination, whereas all the petitioners have not been able to qualify the written exam. By referring to Annexure R-6, it was pointed out that petitioner

Rajesh scored 22 marks out of 50 and by giving academic weightage of 29.21, total marks obtained were 51.21 and, thus, urged this Court for dismissal of the writ petitions.

I have heard the learned counsel for the parties, considered the contentions in support of the writ petitions and as well as the written statements and of the view that there is no force and merit in the submissions of the learned counsel for the petitioners.

As per the criteria, 50 marks were assigned for academic and experience and remaining 50 marks for written test. The written test was objective type of 100 marks, consisting of General Knowledge, Mental Ability (Reasoning & Quantitative Technique), Child Development and Psychology, Hindi and English (Matric level) by fixing the duration of the paper as two (2) hours, whereas the candidates belonging to Scheduled Caste/Physically Handicapped category were required to obtain 45% and others 50% in aggregate. The contention of the petitioners that they scored more marks than the last selected candidate is not comprehensible and acceptable as the qualification is not on the basis of the aggregate. The result of all the candidates annexed with the written statement reveals that all the candidates did not score aggregate of 50% out of 50 marks under the academic qualification.

Vis-a-vis the other argument of calling 1.8 times of the candidates than 1.5 times, State has been very candid in specifying withholding of declaration of first result on technical ground as by inadvertence, 1.5 times of the candidates were attempted to be called, thus, the grievance of the petitioners no longer survives.

No ground for interference by exercising the extraordinary jurisdiction of judicial review under Article 226 of the constitution of India

is made out. Writ petitions are accordingly dismissed.

November 08, 2019
ramesh

(AMIT RAWAL)
JUDGE

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