

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 34082 of 2019
Date of decision: 22.11.2019

Seema

..... Petitioner

Versus

State of Haryana and others

....Respondents

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

Present : Mr. Jasbir Mor, Advocate for the petitioner.

B.S. WALIA, J. (ORAL)

[1] Prayer in the writ petition is for the issuance of directions to the respondent-Commission to provide the personal result of the petitioner for the post of PGT Mathematics and also officially upload the complete selection list as well as list of participant candidates with their full details of marks on the website of the respondent commission for the selection of the post of PGT Hindi against category No.10 (wrongly mentioned as No.7) in Advertisement Annexure P-1 dated 28.06.2015 in terms of the decision passed by this Court i.e. Annexures P-10 and P-12 dated 22.5.2014 and 08.12.2017 respectively.

[2] Learned counsel contends that the petitioner was a candidate for the post of PGT Mathematics in response to advertisement Annexure P-1 dated 28.06.2015 but was not successful in the result declared by the respondent Commission.

[3] Learned counsel contends that while issuing notice of motion on 06.02.2014 in CWP No. 2201 of 2014 wherein directions were issued to the

Haryana School Teachers Selection Board to put on the website the details of all the candidates (names, parentage and category) who had participated in the selection, their respective marks, marks obtained by each candidate alongwith breakup of criteria, as had been prayed for in the said writ petition within a period of two weeks. The difficulties expressed by the respondents were rejected vide order dated 26.04.2014. Relevant extract of the reproduced as under:-

“The difficulty which has been highlighted by both the Commissions is that large number of applications are received by them for each selection and the data which will have to be uploaded of the result of the selected and un-selected candidates to be displayed on the website would be voluminous. This assertion of counsel for both the Commissions may not be correct as the Commissions invariably proceed to short list the number of candidates who apply for the post. After the process of short listing the number of the candidates who have to ultimately participate in the selection goes down considerably and obviously the Commissions takes a conscious decision to bring the candidates within a reasonable and manageable limit. The ultimate result which has thus to be declared by these Commissions would not be voluminous that as has been sought to be projected in their affidavits proceeding on the assumption that large number of applications are received by them at the initial stage when the advertisements are issued. Thus the apprehensions of the Commissions are misplaced.”

[4] The matter was thereafter adjourned to 20.05.2014 the Coordinate Bench to enable counsel for the respondent to seek instruction where eventually statement was made by counsel for the Haryana Staff Selection Commission that order dated 26.04.2014 had been complied with

and all the information had been displayed on the website which would be available there for 15 days and in future also it would be displayed as per directions dated 26.04.2012 for 15 days from the date of declaration of the result. After noticing the objections filed by the Haryana Public Service Commission in the light of the provisions of Section 8(1)(e) and (j) of the Right to Information Act, 2005 and by taking note of the Division Bench judgment of this Court in **State Bank of India vs. Central Information Commissioner and another, 2009 (1) RSJ 770** the Coordinate Bench observed that order dated 26.04.2014, needed to be complied with even by the HPSC and that in view of the decision in **State Bank of India's case (supra)** the objections raised by the HPSC could not sustain. The writ petition was disposed of by directing that in order to bring transparency and dispel doubts, if any, in the minds of the candidates who had participated in the selection, it would be proper to direct uploading of the information about the result relating to all public posts by all concerned public authorities as the same would reduce litigation under the Right to Information Act, 2005 which resulted in wastage of time, energy and money, both of the candidates as well as of the public authorities. It was further made clear that these directions would not be specific to the selection in question in CWP No. 2201 of 2014 but would be a perpetual mandamus for the HPSC, HSSC and HSTSB for all selections to be made by these authorities in future as well. The decision in CWP No. 2201 of 2014 was challenged only by HPSC but LPA No. 975 of 2014 was dismissed while taking note of the fact that it was only the Haryana Public Service Commission, which has challenged the decision in CWP No. 2201 of 2014. The aforementioned decision was followed in CWP No. 2764 of 2017 for directing the respondent Haryana Staff Selection Commission and

other selection bodies in Haryana to ensure compliance of orders of this Court dated 22.05.2014 in CWP No. 2201 of 2014 in all ongoing selection process, as also all selection processes in which results had already been declared but were subject matter of challenge in any petition, whatsoever, with the needful to be done within a period of 15 days from the date of passing of the order.

[5] Learned counsel contends that in view of the aforementioned categorical directions of the decision as referred to above, the respondent are bound to declare the result of the candidates, who had appeared in the final selection process, but despite the petitioner having made representation Annexure P-9 dated 28.10.2019 needful had not been done.

[6] Notice of motion.

[7] Mr. Harish Rathee, learned Senior Deputy Advocate General, Haryana accepts notice and states that the directions contained in the aforementioned two decisions have attained finality and would be complied with in letter and spirit and needful would be done within a period of two weeks from today.

[8] In the light of the statement of learned Senior Deputy Advocate General, Haryana, the instant writ petition is disposed of by directing compliance as contained in CWP No. 2201 of 2014 and CWP No. 27674 of 2017 in letter and spirit.

(B.S. Walia)
Judge

22.11.2019
dinesh/rajesh

1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No