

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

**CWP No.29909 of 2018
Date of decision:31.10.2019**

Indu

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Suresh Kumar Kaushik, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl.A.G.Haryana.

AMIT RAWAL J. (Oral)

Reply filed in Court, is taken on record.

Grievance in present writ petition is plain and simple. Vide advertisement dated 28.06.2015 (Annexure P-1), Haryana Staff Selection Commission invited the applications for filling-up the posts of TGT (Music). Petitioner being fully eligible applied for the same under Special Backward Class (SBC) Category and was accordingly issued admit card to appear in the written examination. Written examination was held on 14.02.2016 and scrutiny of documents was conducted on 13.02.2017. She qualified the written examination and was also called for scrutiny of documents wherein was found eligible for the said post. Respondent no.2 orally informed the petitioner that result of SBC/BC(C) Category has been withheld as per letter dated 25.08.2016, thus, could not appear for interview on account of no prior information.

Mr. Suresh Kumar Kaushik, learned counsel appearing on behalf of the petitioner submits that this Court, vide order dated 06.12.2018, came to the rescue of petitioner by directing respondents to provisionally interview the petitioner and keep the result in a sealed cover. As per the previous order of this Court dated 14.10.2019, result opened in this Court revealed that petitioner has secured 117 marks whereas cut off marks are 110 for the post of TGT (Music) under General Category. Reply does not give any plausible explanation of not recommending case of petitioner for appointment despite having obtained more marks than cut off.

Mr. Hitesh Pandit, learned State Counsel relies upon the stand taken in the reply of petitioner having not appeared in the interview, therefore, missed the process of selection, even on account of securing higher marks than cut off.

I have heard learned counsel for the parties, appraised paper book and of view that it is a fit case where petitioner's case is required to be recommended by Haryana Staff Selection Commission to Education Department having secured 117 marks against cut off marks of 110, particularly when this Court had directed the petitioner to be provisionally interviewed. Annexure R-2/1 also reveals that details of the documents given in the application showed her eligible. In my view, it is a case of travesty of justice in not recommending the case of petitioner, even if she had missed out the bus or date of interview.

Writ petition is allowed. Respondent-Haryana Staff Selection Commission is directed to send the recommendation qua case of petitioner

to Education Department and thereafter, take necessary action within a period of one month from the date of receipt of certified copy of this order and consequential benefits, if any, be paid to the petitioner, in accordance with law.

October 31, 2019

savita

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No