

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

**CWP No.2727 of 2019
Date of decision: 13.01.2020**

Priyanka

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Deepak Sharma, Advocate,
for the petitioner.

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

Ritu Bahri, J.

Pursuant to the advertisement dated 28.06.2015 (Annexure P-1), petitioner has participated in the selection process for the post of PGT (Mathematics) under the Economically Backward Persons in General Category (EBPGC).

Final result was declared on 12.01.2019 (Annexure P-8). A perusal of which shows that the last candidate selected under the above said category has secured 70 marks.

Petitioner's result had been produced in Court on 25.02.2019, as per which, she has secured 86 marks in the written examination and 16 in viva voce, total 102 marks. Hence, she has secured more marks than the last candidate selected under the EBPG category. However, her candidature has been rejected.

been filed, wherein it has been stated that at the time of scrutiny of documents-cum-interview, the petitioner had produced the EBPGC certificate dated 29.08.2016, which was issued after the cut off date of submission of online applications.

It is not the case of the respondents that this was a fake document. Along with the present petition, petitioner has placed on record her EBPGC certificate dated 21.06.2014 (Annexure P-10). This certificate is not being disputed by the respondents. The petitioner was a candidate belonging to Economically Backward Person in General Category as on 21.06.2014 as well as on 29.08.2016 i.e. much before the scrutiny of documents. Hence, her candidature has been wrongly rejected by the respondent-Commissioner.

Keeping in view that the petitioner has secured 102 marks in written examination and viva voce, which are higher than the last candidate selected in the EBPG category, the present petition deserves to be allowed.

Resultantly, respondent No.2-Haryana Saff Selection Commission is directed to recommend the case of petitioner for appointment within 15 days from the date of receipt of certified copy of this order and thereafter, respondent No.3-Director, Secondary Education, Haryana, will issue appointment letter to her within next 15 days. The petitioner will be given appointment notionally from the date, persons junior to her, have been appointed along with all consequential benefits.

Allowed accordingly.

(RITU BAHRI)
JUDGE

13.01.2020
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No