

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

**CWP No.3176 of 2019 (O&M)  
Date of decision: 15.01.2020**

**Yogender Kumar**

**...Petitioner**

**Versus**

**State of Haryana and another**

**...Respondents**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

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

Mr. Kiran Pal Singh, AAG, Haryana.

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**Ritu Bahri, J.**

**CM No.424-CWP of 2020**

For the reasons mentioned in the application, main petition i.e.  
CWP No.3176 of 2019 is preponed and taken up today itself for its disposal.  
Misc. application stands allowed accordingly.

**CWP No.3176 of 2019**

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 BC-A category.

Final result was declared on 12.01.2019 (Annexure P-6). A perusal of which shows that the last candidate selected under the above said category has secured 100 marks.

Petitioner's result had been produced in Court on 09.05.2019,

viva voce, total 115 marks. Hence, he has secured more marks than the last candidate selected under the BC-A category. However, he has not been considered for appointment

Upon notice, reply on behalf of HSSC-respondent No.2 has been filed, wherein it has been stated that the petitioner had applied for the post of PGT (Mathematics) under the BC-A category. Written examination was conducted on 06.03.2016. Vide notice dated 17.10.2016, candidates were shortlisted and called for interview/viva voce. As per attendance sheet (Annexure R-2/1), petitioner appeared for interview/viva voce on 09.11.2016. Before declaration of the final result, respondent-Commission re-checked/re-scrutinized the documents of petitioner and found him not eligible as he had not attached the certificates of M.Sc. and HTET along with his application form. In this backdrop, he was not considered eligible. Another stand taken by the respondents is that vide notice dated 27.09.2017, all the candidates, who were absent at the time of scrutiny of documents on 07.11.2016 to 10.11.2016, were again called for scrutiny of documents on 03.10.2017 and 04.10.2017. Petitioner was also shortlisted, but he did not remain present for scrutiny of documents on 04.10.2017. Copy of attendance sheet, in this regard, has been attached as Annexure R-2/2. Further, as per attendance sheet (Annexure R-2/3), petitioner again remained absent for scrutiny of documents on 28.09.2018. Final result has now been declared on 12.01.2019 and petitioner has not been selected as he had not attached the certificates of M.Sc. and HTET along with his application form.

Learned counsel for the petitioner refers to the email dated 25.12.2016 (Annexure P-5), whereby petitioner had sent soft copies of his

M.Sc. degree and HTET certificate to Secretary of the respondent-Commission.

In the reply filed by respondent-Commission, it is not denied that the petitioner had sent an email dated 25.12.2016 (Annexure P-5) to the Secretary, HSSC (respondent No.2). In the present case, admit card was issued to the petitioner on 26.10.2016 (Annexure P-4) and he sent an email to the respondent-Commission on 25.12.2016 (Annexure P-5) i.e. much before the date of scrutiny of documents. Hence, his candidature could not be rejected on the ground that he had not attached those certificates along with the application form. As per Annexure R2/1, at the time of interview, petitioner had been reflected as eligible candidate on 09.11.2016. It is not the case of respondents that he has qualified M.Sc. and HTET after the last date of submission of application form. Since the petitioner had already sent the above certificates through an email dated 25.12.2016 (Annexure P-5), his candidature cannot be rejected. Moreover, as per final result, last candidate selected under the BC-A category, has secured 100 marks, whereas the petitioner has secured 115 marks. Hence, he has secured higher marks than the last candidate selected under the above said category. Vide order dated 04.02.2019, one post has already been kept reserved. Keeping in view that the petitioner has secured higher marks than the last candidate selected in his category, the present petition deserves to be allowed.

Resultantly, respondent No.2-Haryana Staff 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, the Education Department will issue appointment letter to him within next 15 days. The petitioner will be given appointment

notionally from the date, persons junior to him, have been appointed along with all consequential benefits.

Allowed accordingly.

(RITU BAHRI)  
JUDGE

15.01.2020

ajp

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No