

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

CWP No.25705 of 2018 (O&M)

Date of Decision: 29.01.2020

Deepika Khanna

.....Petitioner

Vs.

State of Haryana and Anr.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. J.S. Maanipur, Advocate,
for the petitioner.

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

RITU BAHRI, J. (ORAL)

Pursuant to advertisement dated 28.06.2015 (Annexure P-1), petitioner participated in the selection process for the post of PGT (Geography) under the ESM Dependent SC category. However, while uploading documents along with the application form dated 17.09.2015 (Annexure P-2), certificate of Dependent of Ex-serviceman was not uploaded.

Petitioner appeared in the written examination and secured 96 marks. She was called for scrutiny of documents on 25.04.2017. However, she could not appear for scrutiny of documents second time. Thereafter, the candidates were called for interview on 09.10.2018. But, petitioner's name did not figure in that list.

While issuing notice of motion on 05.10.2018, a direction was given to interview the petitioner provisionally. Result of the petitioner was produced in Court on 25.09.2019. As per the result, petitioner has obtained

candidate under the ESM category, who has secured 91 marks, had been given appointment.

As per final result dated 23.01.2019 (Annexure A-1), last candidate in the SC category has secured 100 marks and the ESM category has secured 91 marks. The petitioner has secured 108 marks, which are higher than the last candidates in the SC as well as ESM category. A perusal of final result further shows that against 11 posts meant for ESM category, only 10 candidates have been appointed and one post is still lying vacant.

Respondents, in their short reply, are not able to dispute the fact that the last candidate under the SC category has secured less marks than the petitioner. The present petitioner can be considered against SC category. However, keeping in view that one post in the ESM category is still lying vacant, case of the petitioner is being restricted against one post meant for ESM category on the ground that she has now uploaded her experience certificate (Annexure P-10). She had produced the Dependent of ESM certificate (Annexure P-10) at the time of interview, but never uploaded this certificate along with the application form (Annexure P-2). A perusal of this certificate shows that it was issued on 17.04.2017. Learned counsel for the petitioner states that the petitioner had produced this certificate at the time of scrutiny of documents on 25.04.2017.

Short question for consideration would be, “whether case of petitioner could be rejected on the ground that she has produced this certificate at the time of scrutiny of documents and could not upload the same along with her application form.”

This aspect can be examined by referring to the Ex-servicemen Dependent Identity Card (Annexure P-14), which was issued on 20.07.2015

by the INS Venduruty, Naval Base, Kochi to the petitioner, whose husband was working in the Indian Navy. Before he retired, this certificate was made part of the discharge book. Since the petitioner had already been issued the Dependent of Ex-serviceman card at the time of retirement of her husband, for all intents and purposes, she only had to get a certificate from the Zila Sainik Board, Bhiwani (Annexure P-10), which was to be considered at the time of seeking employment when the posts are advertised. Certificate (Annexure P-10) was issued to the petitioner on 17.04.2017 and it was duly shown/produced by her at the time of scrutiny of documents on 25.04.2017. Therefore, she should have been considered as eligible for the post in question under the Dependent of ESM category.

Resultantly, this petition is allowed and direction is given to the Haryana Staff Selection Commission-respondent No.2 to recommend the name of the petitioner for appointment on the post of PGT (Geography) under ESM category to respondent No.1 within a period of 15 days from the date of receipt of certified copy of this order and thereafter, appointment letter be issued to her within next 15 days. It is made clear that the petitioner will be given appointment notionally from the date, other candidates have been appointed along with all consequential benefits. Since the petitioner is Dependent of Ex-serviceman, she will not be considered under the SC category as selected candidates have already joined.

(RITU BAHRI)
JUDGE

29.01.2020
ajp

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