

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

**CWP-26589-2018 (O&M)
Date of Decision:06.03.2020**

Seema Rani

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Shivendra Swaroop, AAG, Haryana.

Mr. Indresh Goel, Advocate for respondent No.3.

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TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner is aggrieved of the action of the respondent/ Haryana Staff Selection Commission in having not considered her claim for appointment to the post of PGT (Mathematics).

Brief facts of the case are that advertisement dated 28.06.2015 was issued by the Haryana Staff Selection Commission (Annexure P-1) inviting applications for recruitment to 6874 posts of PGT-HES-II (Group 'B' Services). 1427 posts advertised were of PGT (Mathematics) and out of which 624 posts were to be filled up from amongst general category. The essential qualifications prescribed for the post of PGT (Mathematics) were M.A.(Mathematics)/M.Sc. (Mathematics)/Applied Mathematics with Mathematics as one of the subject at Graduation level with atleast 50% marks and B.Ed. from recognized University. The closing date for submission of online applications was initially stipulated as 21.09.2015 but subsequently extended to 12.10.2015.

Petitioner who belongs to the general category applied for the post of PGT (Mathematics). Her application having been scrutinized, she was permitted to participate in the selection process comprising of written examination followed by an interview. It is at the stage of scrutiny of documents that the petitioner has been held ineligible on the basis that the certificate pertaining to the final semester of M.Sc. (Mathematics) was issued on 29.03.2016 which was subsequent to the closing date mentioned in the advertisement i.e. 12.10.2015.

Upon notice of motion having been issued, separate replies have been filed on behalf of the Haryana Staff Selection Commission as also the Guru Jambheshwar University of Mathematics and Technology, Hisar.

The respondent/Commission justifies its action in holding the petitioner ineligible on the ground that eligibility had to be reckoned as per closing date for submission of application forms stipulated in the advertisement i.e. 12.10.2015 whereas the certificate of 4th semester M.Sc. (Mathematics) which was the essential qualification for the post in question is dated 29.03.2016.

Respondent No.3/University under the aegis of which the petitioner was pursuing the M.Sc. qualification in Mathematics has clarified in its written statement that even though the final result of the M.Sc. (Mathematics) had been declared on 08.10.2015, in such result the study centre from where the petitioner was pursuing the M.Sc. qualification had erroneously assessed the petitioner's marks in a practical examination

relating to one paper of M.Sc. 4th Semester out of 30 instead of 18 marks. Resultantly, on 08.10.2015, result of the petitioner had been reflected as RL- (dispute) (Result later). Such mistake having been corrected, the certificate pertaining to the 4th Semester M.Sc. (Mathematics) had been issued to the petitioner on 29.03.2016 and showing to her to have qualified the examination.

Counsel for the parties have been heard at length and pleadings on record have been perused.

There would be no quarrel with the proposition that the eligibility of a candidate has to be reckoned in terms of the last date stipulated in the advertisement for submission of application forms. Such date concededly was 12.10.2015. Petitioner was a student of M.Sc. (Mathematics). Result of such examination was declared on 08.10.2015 i.e. prior to the closing date stipulated in the advertisement. In the facts of the present case, for no fault of the petitioner, the study centre had sent a wrong assessment in relation to a practical examination. Such mistake was rectified and the certificate for 4th Semester (Mathematics) was then issued by the University on 29.03.2016 reflecting the petitioner to have passed the examination. Under such circumstances by virtue of issuance of the 4th Semester M.Sc. (Mathematics) certificate dated 29.03.2016, result of the petitioner has to relate back to 08.10.2015 when the general result for M.Sc. (Mathematics) had been declared by the University.

It stands conceded before this Court that the petitioner having participated in the selection process has secured total marks of 146 (written examination + interview) whereas the last candidate selected in the general

category for the post of PGT (Mathematics) has secured 116 marks.

Learned State counsel upon instructions from Mr. Vikrant Sharma, Legal Assistant, Haryana Staff Selection Commission has informed the Court that as against 624 posts of PGT (Mathematics) advertised pertaining to the general category, 30 posts are still lying vacant.

Under such circumstances, petitioner would have a rightful claim to be recommended for appointment to the post of PGT (Mathematics) against the general category. It would also be worthwhile to take note that the interview for the post in question had been conducted in November, 2016 whereas the certificate for the 4th Semester M.Sc. (Mathematics) upon rectification having been carried out had been issued on 29.03.2016.

For the reasons recorded above, the writ petition is allowed.

The second respondent i.e. the Haryana Staff Selection Commission is directed to forthwith recommend the name of the petitioner to the State Government to facilitate her appointment to the post of PGT (Mathematics) (general category). Upon needful being done, the competent authority under the State Government would proceed further without any delay so as to facilitate issuance of an appointment letter in favour of the petitioner.

It is, however, clarified that such appointment of the petitioner to the post of PGT (Mathematics)(General Category) would relate back to a date when other candidates who had participated in the same recruitment process had been issued appointment letters. Petitioner would be entitled to all consequential benefits except for actual arrears of salary for the period she has not worked on the post.

Petition is allowed in the aforesaid terms.

Pending application(s), if any, shall also stand disposed of.

06.03.2020

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |