

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

**CWP No.27455 of 2018
Date of Decision: 29.01.2020**

Jaswinder Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Rajat Mor, Advocate,
for the petitioner.

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

RITU BAHRI, J. (ORAL)

Pursuant to advertisement dated 17.03.2016 (Annexure P-1), petitioner has participated in the selection process for the post of TGT (Punjabi) under the BC-A category. Copy of application form of the petitioner is attached as Annexure P-2. Thereafter, he appeared in the written examination on 24.07.2016. OMR sheet of the petitioner and answer key are annexed as Annexures P-5 and P-6 colly.). As per notification dated 06.02.2017 (Annexure P-7), candidates who had cleared the written examination, were called for scrutiny of documents. Roll number of the petitioner was mentioned in the list. Since the petitioner did not possess the HTET certificate at that time, he did not appear in the scrutiny of documents held on 21.04.2017. Thereafter, he cleared the HTET examination on 01.03.2018 and was issued HTET certificate dated 19.04.2018 (Annexure -8).

Later on, another notice dated 21.07.2018 (Annexure P-9) was

candidates, who were earlier ineligible due to non possessing of HTET certificate. Accordingly, the petitioner appeared before the respondent-Commission on 09.08.2018 for scrutiny of documents. Vide notice dated 13.10.2018, candidates were called for interview, which was scheduled to be held on 29.10.2018. Last candidate, who was called for interview under the BC-A category, had secured 96 marks. However, the petitioner was not called for interview. Hence, the petition.

In this case, while issuing notice of motion on 26.10.2018, the petitioner was ordered to be interviewed provisionally. On 08.04.2019, this Court was informed that that the final result had been declared on 20.12.2018 and the last candidate selected under the BC-A category, has secured 114 marks. Result of the petitioner was produced in Court, a perusal of which showed that he (petitioner) has secured 92 marks in the written examination, 16 marks for experience and 12 marks for viva voce, total 120 marks, which are higher than the last candidate selected under the BC-B category.

Thereafter, written statement dated 14.07.2019 was filed by respondent Nos. 2 and 3, wherein it was stated that petitioner was not called for interview as the last candidate under the BC-A category had secured 96 marks out of 160 marks and the petitioner had obtained less marks than the last candidate.

The petitioner is seeking direction that the marks of experience be added in the marks obtained in the written examination and then the candidates be called for interview.

Stand taken by respondent-Commission is that as per advertisement, short-listing of the candidates is to be done by holding a

written examination. There was no condition in the advertisement that marks of experience are to be added to the marks of written examination. However, petitioner was provisionally interviewed on 29.10.2018 (Annexure R-2/3) in compliance with the order dated 26.10.2018 passed by this Court.

In the present case, the petitioner had secured 92 marks in the written examination and he had been rightly not called for interview. The respondent-Commission was bound to follow the criteria as per advertisement dated 17.03.2016 (Annexure P-1). Accordingly, the Commission had called double the number of candidates keeping in view the marks obtained by them in the written examination. Relevant provision of the aforesaid advertisement is reproduced as under:-

“Special Instruction:-

The prescribed essential qualification does not entitle a candidate to be called for interview. The Commission will short list the candidates for interview by holding a written examination. The decision of the Commission in all matters relating to acceptance or rejection of an application, eligibility/suitability of the candidates, mode of criteria for selection etc. will be final and binding on the candidates. No enquiry or correspondence will be entertained in this regard.”

Since the advertisement was issued on 17.03.2016, respondent-Commission was bound by the terms and conditions, as per which the selection was to be carried out. Judgment passed by this Court in **Subhash Chander and others vs. Haryana Staff Selection Commission**, CWP No.18921 of 2017 (decided on 14.09.2017), which is relied upon by the petitioner, cannot be made basis to interfere in the final result of the selection, which has already been announced on 20.12.2018. Moreover, object of holding the written examination is to reduce the number of

candidates. After written examination, marks of experience are not to be added for short-listing the candidates for interview. The logic is that if, against 10 posts, 30,000/- applications have come, written examination is the best criteria to short-list the candidates and call double the numbers i.e. 20 candidates for interview. No further condition can be imposed for short-listing the candidates.

Moreover, in the present case, selection process has already been carried out in accordance with law. Since, the petitioner had secured less marks in the written examination than the last candidate under the BC-A category, no direction for appointment of the petitioner can be given.

No merits. Dismissed.

(RITU BAHRI)
JUDGE

29.01.2020
ajp

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