

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

CWP-5486-2017 (O&M)
Date of decision: 08.01.2020

Mahender Kumar and another **...Petitioner(s)**
V/s.

State of Haryana and another ...Respondents

And

CWP-21561-2018

Hari Ram **...Petitioner(s)**
V/s.

State of Haryana and another ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Raj Kapoor Malik, Advocate
for the petitioners in CWP-5486-2017.

Mr. Chander Pal Tiwana, Advocate
for the petitioner in CWP-21561-2018.

Mr. Harish Nain, AAG, Haryana.

RITU BAHRI, J.

This order shall dispose of two writ petitions i.e. CWP No. 5486 of 2017 and CWP No. 21561 of 2018. However, the facts are being extracted from CWP No. 5486 of 2017.

The petitioners have applied for the post of PGT Political Science pursuant to the advertisement dated 28.06.2015 (Annexure P-1). There were 424 posts of PGT Political Science. After the advertisement dated 28.06.2015 (Annexure P-1), corrigendum dated 01.09.2016 (Annexure P-2) was issued adding following provision:-

“(iii) In case of direct recruitment 'Good Academic Record’, means the candidate having 50% marks after taking average of all examination i.e. 10th/12th/Graduation/Post Graduation as the case may be. However the candidate must have at least 50% marks in Post-Graduation.”

While issuing notice of motion on 17.03.2017, direction was given to scrutinize the documents of the petitioners if interviews are not held. By way of civil miscellaneous application No. 7643-CWP-2018, petitioners have placed on record notification dated 22.03.2018 (Annexure P-7).

The Commission was to assess the suitability of all the candidates keeping in view 'Good Academic Record'. Good academic record means that candidate should have 50% marks after taking average of 10, 10+2, graduation and post graduation. The marks of B.Ed could not be considered for calculating the percentage of good academic record and hence, the petitioners did not fulfill the criteria as mentioned in the advertisement dated 28.06.2015 (Annexure P-1) and corrigendum dated 01.09.2016 (Annexure P-2).

Learned counsel for the State has referred to judgment passed by this Court in **CWP No. 6156 of 2017** titled as **Nirmla Panwar V/s. The State of Haryana and others** whereby issue with regard to eligibility which is subject matter of dispute in the present case has already been considered. The criteria to be followed is taking average of all examinations i.e. 10th, 10+2, graduation and post graduation which should come 50% rather than taking percentage of all examinations and totalling them. If a candidate does not secure 50% marks by taking average of all examinations, he becomes ineligible to participate in the selection process.

The argument of learned counsel for the petitioner is that initially average of each examination has to be separately calculated and then granting benefit was rejected as provision is very clear that for calculating good academic record, average of all examinations i.e. 10th, 10+2, graduation and post graduation is to be taken.

Since the issue with regard to calculation of good academic record has already been decided in *Nirmla Panwar's case (supra)* and the judgment has already attained finality, the present writ petitions are dismissed.

Pending application, if any, stands disposed of.

(RITU BAHRI)
JUDGE

08.01.2020

Divyanshi

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No