

CM-16407-CWP-2021 in/and
CWP-2718-2019 (O&M)

Date of Decision: December 21, 2021

Laxmi

..... Petitioner

Versus

Haryana Staff Selection Commission and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Samrat Malik, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

LISA GILL, J.

Prayer in CM-16407-CWP-2021 is for disposal of this writ petition in terms of judgment dated 01.09.2021 passed by the Hon'ble Supreme Court in CA Nos. 5065-5095/2021 arising out of SLP (C) No. 25184-25214 of 2018.

Learned counsel for the parties are *ad idem* that the controversy is squarely covered by the decision of Hon'ble Supreme Court in ***Haryana Staff Selection Commission Vs. Priyanka and others, 2021(4) SCT 80.***

Prayer in this writ petition is for setting aside action of respondents in not considering the candidature of the petitioner and further directing the respondents to consider the petitioner as eligible for appointment to the post of PGT Chemistry.

Learned counsel for the petitioner submits that the controversy involved in this writ petition is identical as the one involved in the ***Priyanka's*** case (supra) i.e. whether the result declared confidentially by the University is to be treated as a validly declared result. The matter has been finally set to rest with

it being held that the result declared confidentially by the University is a valid result and an applicant's candidature cannot be rejected merely on this ground.

Petitioner, it is submitted, had participated in the selection for the post of PGT Chemistry in the General category, pursuant to advertisement no.4/2015 dated 28.06.2015. She successfully cleared her written examination. Her confidential result was obtained on 05.10.2015 and conveyed to the respondent – Commission before the last date of submission of applications i.e. 12.10.2015. It is asserted that official result was declared on 27.12.2018 and 13 posts of General category were kept reserved for candidates whose petitions were pending before the Court. Last selected candidate in General category had secured 138 marks whereas petitioner, it is stated, secured 128 marks in the written examination. 24 marks were kept for interview and 16 for experience, therefore, petitioner, it is stated, would have definitely got more than 138 marks, in case, her result had been declared.

Petitioner was interviewed provisionally subject to decision of the pending petitions.

Petitioner's result was directed to be produced in sealed cover vide order dated 10.11.2021. Same has not been produced and learned counsel for the State seeks more time to do the needful. At this stage, I do not find any justification in keeping the matter pending to await production of petitioner's result especially keeping in view the decision of the Hon'ble Supreme Court in *Priyanka's* case (supra), which has set the entire controversy at rest.

However, it is to be noted that learned counsel for the petitioner and learned counsel for the State admit that pursuant to decision of the Hon'ble Supreme Court in *Priyanka's* case (supra), the entire result is subject to revision.

Keeping in view the facts and circumstances as noted above, application i.e. CM-16407-CWP-2021 is allowed and this writ petition is disposed of with a direction to the competent authority to consider the petitioner's candidature for the post of PGT Chemistry, in terms of the judgment of Hon'ble Supreme Court in *Priyanka's* case (supra), after opening the petitioner's result, which was kept in sealed cover and necessary action be taken accordingly.

December 21, 2021
rts

(LISA GILL)
JUDGE

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