

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

206

CWP-15544-2020

Decided on : 25.01.2021

Sunita Devi

... Petitioner

Versus

Haryana Staff Selection Commission & another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Amit Kohar, Advocate, for the petitioner.

Mr.Amit Aggarwal, DAG, Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of directions to the respondents to allow the petitioner to take part in the selection process, interview, viva-voce, for the post of Staff Nurse which was to be held on 07-08.10.2020 in pursuance to the advertisement notice dated 19.06.2015 (Annexure P-1). Prayer has also been made to allow her to see the answer-sheet for the post of Staff Nurse under SBC category posts.

It is the case of the petitioner that the written test was held on 15.01.2017 and the result was declared on 31.01.2018 (Annexure P-3) and she was an applicant against 912 posts. It was mentioned that the result in the said category had been withheld, in view of the litigation pending before this Court. A revised result had been then published on 01.04.2019 (Annexure P-4) and the cut-off percentage was stated to be 70% and above and accordingly, candidates were called for scrutiny of documents. Thereafter, on 11.04.2019 (Annexure P-5) some more candidates were called for scrutiny of documents and the petitioner's roll number also found mention and the cut-off percentage was stated to be 60% and above. As per Annexure P-5, her marks had been shown as withheld. On 29.04.2019 (Annexure P-6) candidates who remained absent on earlier occasions on 09.04.2018 & 25.04.2019 were called for scrutiny of documents before the interview which was to be held on 14.05.2019.

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

206

CWP-15544-2020

-2-

It is the case of the petitioner herself that she could not participate in the scrutiny of documents on 14.05.2019 and now, vide notification dated 20.05.2020, further scrutiny of documents was sought to be done. It is her own case that on 10.02.2020 and thereafter, she had approached the office of the respondent-Commission for scrutiny of the documents on 12.03.2019. On 21.05.2020, notice(Annexure P-10) was issued for declaring the date of the interview calling the candidates between 15-19.06.2020 and resultantly, she had sent a request for allowing her for scrutiny of documents. The Commission had issued notice on 11.09.2020 declaring the date of interview which was to be held on 07-08.10.2020 and thus, she had sent representation for taking part in the interview.

Resultantly, she had approached this Court wherein directions had been issued on 05.10.2020 to the Commission to notify on its website the roll numbers of 504 candidates already interviewed and 171 candidates called for interview while mentioning the fact regarding cut off marks being 68 and State had sought for the production of the mark-sheet of the petitioner, since the authority had disputed the claim that the petitioner had secured 68 marks.

On the last date of hearing, the result showing the petitioner to have secured 66 marks had been produced and in pursuance of the earlier orders, the OMR answer-sheet along with the question paper have also been produced today, which is further stated to be of Q-series booklet number. It is also to be noticed that the result has been declared on 11.09.2020 which has also been produced showing that the last candidate has secured 68 marks.

The stance of the respondents, thus, is that the petitioner had remained absent for scrutiny of documents on 25.04.2019, as per her own admission and that CWP-7909-2020 had been filed wherein prayer had been made for scrutiny of the original documents, which was disposed of on 09.06.2020(AnnexureP-11), to decide the representation dated 12.03.2020 (Annexure P-9). It is the stance of the respondents, thus, that notice had been issued on 16.07.2020 (Annexure P-12) for the candidates to appear for the scrutiny of documents who remained absent earlier. The respondent-Commission had sent two times the eligible candidates for the interview for the posts in

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

206 **CWP-15544-2020**

-3-

question.

The petitioner having only secured 66 marks was not called for interview due to the lesser marks secured than the last candidate selected. Thus, it is apparent that the petitioner had not been appearing before the authorities for scrutiny of documents on various occasions and has been allowed to appear in pursuance of the directions issued by this Court and notice issued on 16.07.2020 (Annexure P-12). It is not disputed that the last candidate who has been called for interview has got 68 marks whereas the petitioner has got only 66 marks, as per the result produced.

In such circumstances, it cannot be said that the respondents have acted illegally in any manner or that the petitioner has got more marks but has been ignored in the selection process. The argument that the details of the marks obtained in the examination and in the interview of the selected candidates have not been put in public domain, cannot be accepted, since admittedly, the interviews were only held on 07-08.10.2020. The said exercise of filling up of the details of the last candidate selected in the written examination and interview can then be asked by the petitioner by filing appropriate application under the Right to Information Act, 2005, if she wishes to still agitate for her grievances.

Resultantly, in view of the above discussion, no case is made out for issuance of any further directions and the present writ petition is, accordingly, dismissed. The original answer-sheet along with the question booklet be re-sealed and returned to the official respondent No.1-Commission through the office of the Advocate General.

JANUARY 25, 2021

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No