

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-12628-CWP-2021 in/ and
CWP No.24578 of 2016 (O&M)

Date of Decision: 21.12.2021

Nisha

..... Petitioner

V/s.

Haryana Staff Selection Commission and Another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. J.P. Sharma, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Lisa Gill, J. (Oral)

Though matters were being taken up through physical hearing mode today, this matter has been taken up through video conferencing on specific request of learned counsel and in terms of circular dated 14.09.2021.

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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*.

In view of the above, application is allowed as prayed for. Writ petition is taken on Board for hearing today itself.

Main Case

Prayer in this writ petition is for issuance of writ in the nature of

mandamus for directing respondent No.1 to conduct the interview of the petitioner for the post of PGT(Mathematics) being fully eligible for the said post.

The petitioner's candidature had been rejected solely on the ground that the result of her qualifying examination i.e. B.Ed. was officially declared on 05.11.2015 i.e. after the cut of date whereas it is the case of the petitioner that confidential result of the petitioner was declared by the M.D. University, Rohtak prior thereto and petitioner's marks are duly mentioned in the application form. It is duly reflected in the reply filed on behalf of respondent No. 1 that provisional result was duly conveyed by the M.D. University, Rohtak to the Commission on 12.10.2015 i.e. well before the cut of date i.e. 12.10.2015.

Learned counsel for the petitioner submits that the controversy involved in this writ petition is identical as the one involved in ***Haryana Staff Selection Commission Vs. Priyanka and others, 2021(4) SCT 80*** 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 was permitted to be interviewed provisionally in compliance of order dated 30.11.2016 passed in this writ petition subject to decision of the Hon'ble Supreme Court in SLP (C) No.25184 of 2018 ***Haryana Staff Selection Commission Vs. Priyanka and others***. Learned counsel for the State prays for time to produce the petitioner's result in sealed cover. At this stage, I do not find any justification in keeping the matter pending to await production of the result of the petitioner. However, it is to be noted that learned counsel for the petitioner and State admit that pursuant to decision of Hon'ble Supreme Court in ***Priyanka's*** case

Keeping in view the facts and circumstances as noted above, this writ petition is disposed of with a direction to the competent authority to consider the petitioner's candidature for the post of PGT-Mathematics in the category applied for, in terms of the decision of Hon'ble Supreme Court in ***Priyanka's*** case (supra) and necessary action be taken accordingly.

21st December, 2021

Sonia Puri

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No