

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

**CM-12609-CWP-2021 and
CM-15169-CWP-2021 in
CWP No. 26805 of 2018 (O&M)
Date of Decision: December 03, 2021**

Manju Petitioner(s)
Versus
State of Haryana and others Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ashok Bhardwaj, Advocate
for the applicant-petitioner.

Ms. Kirti Singh, DAG, Haryana.

LISA GILL, J. (Oral)
CM-12609-CWP-2021

For the reasons mentioned in the application, duly supported by an affidavit of the applicant, same is allowed as prayed for. Replication to the written statement filed by respondents no.2 and 3, is taken on record, subject to just exceptions.

Application is disposed of.

**CM-15169-CWP-2021 and
CWP No. 26805 of 2018**

Prayer in this writ petition is for setting aside action of the 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 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*.

The petitioner's candidature had been rejected solely on the ground that she had applied on the basis of confidential result of B.Ed showing 640 marks out of 1000 but now in the mark sheet, she is shown to have secured 645 marks and the result had not been declared before the cut of date i.e. 12.10.2015, whereas it is the case of the petitioner as well as the stand of Maharshi Dayanand University, Rohtak, that the confidential result was declared on 10.10.2015, before the cut off date i.e. 12.10.2015 and the result was directly communicated to the respondent-Commission by the University. The objection raised by the respondents that there was a variation in the marks in the result declared confidentially and the final result, has been specifically considered by the Division Bench of this Court vide judgment dated 01.09.2018, in LPA-362/2018, titled Haryana Staff Selection Commission Vs. Priyanka & others and other connected matters, and it has been specifically held that such a variation hardly affects the merit of the case as at the time of declaration of result, some moderation is done, which needs variation. However, the same cannot change the fact that the candidate in question had qualified the B.Ed. examination at the time of declaration of the confidential result.

Perusal of the reply filed on behalf of respondents no.2 and 3

reveals that the said respondents have sought a specific clarification from the Maharshi Dayanand University, Rohtak, regarding date of declaration of the result and as per communication dated 24.11.2016, it is specifically mentioned that the confidential results were issued to the candidates on their request as available with the University. Petitioner's confidential result was admittedly declared on 06.10.2015 i.e. before the cut of date of 12.10.2015. In this view of the matter, petitioner's candidature has to be considered for appointment to the post of PGT Chemistry.

Perusal of the file reveals that vide order dated 17.10.2018, petitioner was directed to be interviewed provisionally, with her result being kept 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.

Keeping in view the facts and circumstances as noted above, application (CM-15169-2021) 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 ordered to be kept in sealed cover.

December 03, 2021

Sunil

**(Lisa Gill)
Judge**

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