

CWP-30105-2018 (O&M)

Date of Decision: December 21, 2021

Sudhir Kumar

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rohit Mittal, Advocate for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

LISA GILL, J.

Prayer in this writ petition is for setting aside action of respondents whereby the petitioner has not been allowed to participate in the interview for the post of PGT Chemistry, reserved for Backward Class B category.

The petitioner's candidature had been rejected solely on the ground that the result of his qualifying examination i.e. B.Ed. was officially declared on 05.11.2015 i.e. after the cut off 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. Result was directly communicated to the respondent – Commission by the University as well, therefore, petitioner was duly eligible on 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 had participated in the selection for the post of PGT Chemistry in the BC-B category, pursuant to advertisement no.4/2015 dated 28.06.2015. He successfully cleared his written examination but was ultimately not called for interview despite having secured 118 marks in the written examination, which was higher than the cut of marks i.e. 114 on the ground that the formal result of the B.Ed. examination was declared after the cut of date and the marks of the B.Ed. Examination were mentioned in the online application form merely on the basis of the confidential result.

Petitioner was permitted to be interviewed provisionally in compliance of order dated 29.11.2018 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 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, 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 BCB

Category, in terms of the judgment of Hon'ble Supreme Court in *Priyanka's* case (supra) and necessary action be taken accordingly.

December 21, 2021
rts

(LISA GILL)
JUDGE

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