

Sr.No.217

SHIVANI
2022.11.11 15:32

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

CWP-12649-2017(O&M)

Date of Decision: 31.10.2022

Mahender Pal and anotherPetitioners
versus

Haryana Staff Selection Commission ...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr.JasbirMor, Advocate
for the petitioners.
Mr. Saurabh Mohunta, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of appropriate writ in the nature of mandamus directing the respondent Commission to allow the petitioners to participate in the interview and selection process for the post of Patwari in their respective category.

2. Vide order dated 27.10.2022, this Court had observed that petitioner No.1 has scored 172 marks i.e. lesser than the last selected candidate in the category in which petitioner had applied. Therefore, petition qua him does not survive.

3. Succinct facts first, as pleaded in the petition qua petitioner No.2, who is having qualification of Matriculation, 10+2, B.A. and M.A.F. He belongs to Backward Class (B) category. Vide advertisement dated 10.07.2015 (Annexure P-2) Haryana Staff Selection Commission had advertised 579 posts of Patwari and petitioner being duly eligible and qualified applied for the same under Backward Class (B) Category. He appeared in the written test/screening test conducted by the respondent Commission on 01.05.2016. Result (Annexure P-5) of the written examination/screening test for the post of Patwari was declared on 11.04.2017 by the respondent-Commission and he appeared for

scrutiny of documents on 29.04.2017 before the Committee. Respondent Commission published a list of the candidates for interview by mentioning their roll numbers, but roll number of the petitioner was not found in the said list.

4. Learned State counsel at the very outset submits that it is owing to order dated 01.06.2017 passed by this Court where the petitioner was provisionally interviewed and the same has resulted in the anomaly of him being awarded interview marks which when added with the marks secured in written examination, result in a higher aggregate. No doubt he has got higher aggregate than the last selected candidate, but the last selected candidate in the written examination had secured 158 marks which was the cut off to be considered for being invited for the next round of interview. Concededly, the petitioner has got lesser marks than 158 in the written examination and in the normal course, he was not successful in the written examination to be invited for the next round.

5. I have heard the arguments canvassed by learned counsel for the parties.

6. It is insignificant whether petitioner No.2 has secured aggregate marks more than the last selected candidate or not. What is to be seen is whether he had qualified the written examination for the next round or not. Marks secured by the petitioner clearly reflects that he secured less than the last selected candidate in the written examination. Therefore, he cannot be accorded the benefit of interview marks. Being so, no grounds to interfere.

7. It is not for this Court to sit in judgment over the marks awarded by the Haryana Staff Selection Commission for written examination as against self proclamation of the petitioner that after self assessment he has secured higher marks than the marks awarded by the Haryana Staff Selection Commission. On a Court query, learned State counsel representing the respondent under instructions from Ms. Sheena, Legal Officer, HSSC, submits that revised answer key of the result was duly

uploaded on 10.12.2017 and the petitioner can download the same and in case he is aggrieved, he can take appropriate steps to challenge the same. Result of the petitioner is not under challenge in the present writ petition as he was under wrong impression that he has secured 158 marks. Petitioner is at liberty to challenge the result.

8. Dismissed with above said liberty.

(ARUN MONGA)
JUDGE

October 31, 2022

Shivani Kaushik

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No