

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-408-2017 (O&M)
Date of Decision: 18.05.2022

SHARWAN KUMAR
Versus

..... Petitioner(s)

STATE OF HARYANA AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Shivam Malik, Advocate for
Mr. Santosh Malik, Advocate
for the petitioner.

Dr. Kiran Pal Singh, AAG, Haryana.

LISA GILL, J.

Petitioner in this case is aggrieved of his candidature for the post of Post Graduate Teacher Punjabi not being considered by the respondents.

Learned counsel for the petitioner submits that petitioner being fully eligible had applied for the post of PGT Punjabi pursuant to advertisement no.4/2015, issued by the Haryana Staff Selection Commission (hereinafter referred to as 'Commission'). It is submitted that petitioner was called for scrutiny of documents but was declared ineligible on the ground that he has secured his Masters degree in Punjabi after the cut-off date. Learned counsel submits that petitioner had in fact completed his Masters degree in the year 2012. Thereafter, he had taken examinations for improvement in his marks in M.A. Punjabi. Petitioner, it is stated had submitted his detailed mark-sheet/certificate (DMC) dated 04.11.2015 at the time of scrutiny of documents, which is in regard to the result after improvement. Therefore, it cannot be held that he had not cleared his M.A.

examination before the cut-off date. It is thus prayed that this petition be allowed and petitioner be declared eligible for the post of PGT Punjabi.

Heard.

Doubtlessly, petitioner had cleared his M.A. Punjabi in 2012 and taken the exams for improvement thereafter. However, it is to be noted that petitioner secured 3rd division in M.A. Punjabi in the year 2012. As per the eligibility criteria, in terms of advertisement no.4/2015 dated 28.06.2015 and as per the Haryana State Education School Cadre (Group B) Service Rules, 2012, requirement is of M.A. in Punjabi with at least 50% marks. It is petitioner's own case that he secured 50% marks only after taking the examination for improvement and that is an event which took place admittedly after the cut-off date and is so reflected in the DMC dated 04.11.2015. Prior thereto petitioner had cleared his M.A. Punjabi in the year 2012 with less than 50%. Learned counsel for the petitioner is unable to deny sequence of events as above and further cannot deny that as on the said cut-off date i.e. 21.09.2015, petitioner was not holding the required eligibility conditions of having cleared M.A. Punjabi with 50% marks.

Keeping in view the facts as above, no fault can be found in the action taken by the respondent-Commission in rejecting petitioner's candidature.

No other argument has been addressed.

This writ petition being devoid of any merit is accordingly dismissed with no order as to costs.

18.05.2022

Sunil

**(LISA GILL)
JUDGE**

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