

LPA-1677-2019 (O&M)

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

(219)

LPA-1677-2019 (O&M).
Date of Decision:-14.03.2022.

Haryana Staff Selection Commission

.....Petitioner

Versus

Vishal Verma and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Hitesh Pandit, Additional A.G., Haryana,
for the appellant.

G.S. SANDHAWALIA, J. (Oral)

CM-3760-LPA-2019

This is an application for condonation of delay of 193 days in filing the present appeal.

Despite service, nobody has put in appearance on behalf of the respondents.

Accordingly, keeping in view the averments made in the application supported by an affidavit, the same is allowed and the delay of 193 days in filing the present appeal is condoned.

LPA-1677-2019 (O&M)

Challenge in the present appeal is to the order dated 20.02.2019 passed by the learned Single Judge in **CWP-31226-2018**, whereby the writ petition filed by respondent No.1 was allowed principally

LPA-1677-2019 (O&M)

on the ground that he had secured 115 marks whereas the last candidate had secured 110 marks for the selection process for the post of TGT (Science) under BC-A category. Resultantly, directions were issued to recommend the case of respondent No.1 for appointment to the post of TGT (Science) within 15 days and to issue appointment letter within next 15 days.

The LPA has been primarily filed on the ground that the confidential result of the petitioner of B.Ed. was sent to him on 06.10.2015 and the cut-off for the said post vide Advertisement No.3 of 2015 was initially 21.09.2015. Thus, the ground was that the confidential result is not to be taken into consideration.

The said issue has been settled by the Apex Court in ***Civil Appeal Nos.5065-5095 of 2021*** titled **“Haryana Staff Selection Commission Vs. Priyanka and others”**, wherein it has been held that if the authenticity of the provisional/confidential result declared by the Universities is not in doubt then no fault can be made out in the view taken by this Court. It cannot be said that the respondents were not qualified as on the cut-off date, which was 12.10.2015 as the same had been extended. The relevant portion of the judgment reads as under:-

“The short question which was raised before the High Court and also before us is as to whether the provisional/confidential result declared by the Universities would be a validly declared result or not. The question has been considered by the High Court in detail and it has been held in favour of the candidates. In our view also, as long as the authenticity of the provisional/confidential result declared by the Universities is not in doubt, which in the present case has

been confirmed by the Universities on the request made by the appellant/commission, the view taken by the High Court is perfectly justified. It cannot be said that the respondents were not qualified as on the cut off date, which was 12.10.2015, as the provisional/confidential result had been declared by the respective Universities in favour of the candidates prior to the said date and the applications were filed by the respondents well within time, along with such provisional/confidential result. As such, to this extent, we are not inclined to interfere with the order impugned in these appeals.”

Keeping in view the above, since the position stands settled by the Apex Court, no case is made out to interfere with the well reasoned judgment passed by the Learned Single Judge. Resultantly, the present appeal is dismissed.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

March 14, 2022.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No