

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(227)

CWP No. 995 of 2019

Date of Decision : 10.11.2022

Harbhajan Kumar

...Petitioner

Versus

Haryana Staff Selection Commission and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunil K. Nehra, Advocate for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana and
Mr. Sandeep Singh Mann, Addl. A.G., Haryana.

Harsimran Singh Sethi J. (Oral)

In the present petition, the grievance, which is being raised by the petitioner is that he was not called for interview in respect of the Advertisement No. 3 of 2015 dated 28.06.2015 (Annexure P-4) by which, the posts of Trained Graduate Teachers in Science were advertised.

As per the petitioner, he had secured 86 marks in the written examination and was entitled to be called for interview but as the petitioner failed to appear in the scrutiny, the candidature of the petitioner was not considered for further selection. Petitioner approached this Court raising the grievance that he should be allowed to compete further and vide order dated 16.01.2019, the respondents were directed by the Co-ordinate Bench of this Court to scrutinize the documents of the petitioner and to

provisionally interview him and to keep his result in the sealed cover. Learned counsel for the petitioner submits that after the said order was passed by this Court, the respondents themselves extended the date of scrutiny and interview qua the said advertisement vide decision dated 11.04.2019, due to which, the petitioner, *ipso-facto*, became eligible for consideration of his candidature.

The State has not denied the above said fact but submits that the result of scrutiny of the documents of the petitioner and interview is still provisional and it has to be verified whether, keeping in view the scrutiny of the documents, the petitioner fulfills the eligibility criteria as required under the advertisement or not and it is only in case, the petitioner is found eligible in all respects, the petitioner can be allowed to further participate in the selection process and consequent appointment.

Keeping in view the above, the present petition is disposed of with a direction that the result of scrutiny of the documents of the petitioner be declared by the respondents and in case, the petitioner has all the eligibility required for competing for the post in question, his marks in the interview be taken into consideration for assessing his merit and in case, the petitioner has secured more marks than the last selected candidate in the category in which he is competing, appropriate recommendation qua the selection be forwarded to the Administrative Department for appropriate action.

Let the respondents pass appropriate order on the scrutiny of the documents of the petitioner regarding his eligibility to compete further within a period of three weeks from the receipt of copy of this order and in

case, after the said result of the scrutiny, the petitioner is found eligible to compete further, the next stage of declaration of result and consequent recommendation in case, the petitioner is found meritorious enough keeping in view the number of posts advertised in the category in which the petitioner is competing, the name of the petitioner be recommended to the Administrative Department within a further period of three weeks for appropriate consideration.

In case, the petitioner's name is recommended after selection, the Administrative Department will also consider the claim of the petitioner for notional appointment from the date the junior in the merit was appointed.

Petition is disposed of in above terms.

November 10, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No