

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

228-B

**CWP-2178-2020 (O&M)
Date of decision: 21.03.2023**

Kuldeep Singh and others

...Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Jasbir Mor, Advocate for the petitioners.

Mr. Rohit Arya, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of Mandamus directing the respondent-Department to fill up all the vacancies/posts of Post Graduate Teacher (PGT) Computer Science, by preparing the waiting list.

Learned counsel for the petitioners submits that in terms of the advt. No. 05/2015 issued by respondent No.3-Haryana Staff Selection Commission, the petitioners had applied for the post of PGT (Computer Science) in their respective categories. The written examination was conducted on 06.03.2016 for the post in question and after completing the selection process, the final result was declared on 25.11.2018. It is further submitted that the grievance of the petitioners is that no waiting list for the posts of PGT (Computer Science) was prepared by the respondent. Some

posts of PGT (Computer Science) are still lying vacant. The advertisement No.04/2015 was published on 28.06.2015 and the advt. in question was published on 05.07.2015, whereas the dates of closing and submission of fee in both the advertisements were same.

While pointing out that the respondents are adopting pick and choose policy, learned counsel for the petitioners draws the attention of this Court to the order dated 04.04.2019 passed in CWP-23350-2018 by a Coordinate Bench of this Court, wherein the learned State counsel had given a statement that the respondents had been in the process of preparing a waiting list for PGT (Sociology) and accordingly, on the said statement, the writ petition was disposed of as having rendered infructuous.

Learned State counsel, while rebutting the arguments of the learned counsel for the petitioners submits that as per the Instructions dated 18.09.2018 issued by the Chief Secretary to Government, Haryana, waiting list in respect of Group-B (Non-Gazetted) posts, is to be prepared and there is no provision for preparing the waiting list for the gazetted posts and the present case is qua PGT which itself is a gazetted post. He further submits that all the waiting lists prepared for the given posts, have been withdrawn. He further points out that the petitioners were not selected in the final result due to having lesser marks in their respective categories. The last selected candidates in General, SC and BCA Categories have secured 126, 100 and 116 marks respectively.

I have heard the learned counsel for the parties and have also gone through the case file and documents produced in the Court.

The statement given by the learned State Counsel in CWP-23350-2018 as recorded in the order dated 04.04.2019 passed by the Coordinate Bench, is not disputed. It is also not disputed that the case of the petitioners is similar. It is, thus, beyond common prudence as to how the respondents can be allowed to adopt pick and choose policy, and deny the similar relief to the petitioners, whose case admittedly, similar to the candidates in CWP-23350-2018.

On the asking of this Court, learned State counsel submits that he has no instructions regarding vacant posts in the subject of PGT (Computer Science).

In view of the above, the present petition is allowed with a direction to the Haryana Staff Selection Commission to prepare a waiting list in the subject of PGT (Computer Science), and to consider the candidature of the petitioners according to their merit in the their respective categories.

(HARNARESH SINGH GILL)
JUDGE

21.03.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No