

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

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CWP-6288-2019 (O&M)

Date of Decision: 21.03.2023

SUJATA DEVI

... Petitioner

Versus

STATE OF HARYANA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Jasbir Mor, Advocate for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

Mr. Deepak Balyan, Advocate for respondent No.4.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Mandamus directing the respondents to fix the merit of the petitioner at an appropriate place (Serial No.3650-A/3651-A) in the joint merit list for the post of Primary Teacher (PRT).

Learned counsel for the petitioner submits that against advertisement No.2/2012, the petitioner had applied for the post in question; that the petitioner cleared the written test and had also appeared for the documents verification and that the final result was declared on 14.08.2014. He further submits that initially, the petitioner had secured 95 marks in Haryana Teacher Eligibility Test (HTET); that thereafter some objections were raised by the candidates; that after considering the said objections, respondent No.4 had granted one grace mark to all the eligible candidates, including the petitioner and that, in view of the said changed circumstances, the petitioner will have to his credit 96 marks in the HTET

exam. Still further, it is submitted that the said grace mark was granted before the extended cut-off date in the present case and thus, the petitioner cannot be deprived of the same.

Learned counsel for respondent No.4 does not dispute the fact that on objections having been raised by several candidates, one grace mark was granted to all the eligible candidates, including the petitioner.

Learned State counsel also does not dispute the factum of grant of one grace marks to the candidates. He, however, submits that in case the claim of the petitioner is considered, at this stage, then the whole seniority/merit list will be disturbed.

I have heard the learned counsel for the parties.

It is not disputed that initially, the petitioner was having 95 marks in the HTET exam. However, on reconsideration of the matter, one grace mark was granted by respondent No.4 to all the candidates, including the petitioner. Thus, the petitioner cannot be denied the concession of the same, which admittedly had been granted by respondent No.4 before the extended cut-off date in the present case.

In view of the above, the respondents-State are directed to reconsider the case of the petitioner and prepare a revised merit-list, after taking into consideration one grace mark granted by respondent No.4 in the HTET exam, by passing a speaking order, in a time bound manner, as per law.

Disposed of in the above terms.

21.03.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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