IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.6649 of 2019
Date of Decision: 01.02.2023

MONIKA

.....Petitioner

Vs

HARYANA STAFF SELECTION COMMISSION

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Devender Arya, Advocate
for the petitioner.

Mr.Tapan Kumar Yadav, D.A.G.Haryana.

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RAJ MOHAN SINGH, J.(Oral)

The petitioner has filed this petition for the issuance of a writ in the nature of certiorari for quashing the result dated 03.03.2019.

The grievance of the petitioner as projected in the present writ petition is that while filling up the application form in pursuance of advertisement No.3/ 2018 in category No.2 for the post of Female Constable (General Duty), there was an inadvertent error in showing her category as BCB in place of BCA. The relevant certificate showing the petitioner to be BCA

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category was also attached with the application form. The petitioner secured 63.4 marks i.e. above the cut off marks of 54.6 . The last selected candidate in BCB category has secured 56.6 marks i.e. much lower than the score of the petitioner. The last candidate in BCA category has secured 54.6 marks.

The issue of filling up the application form with an inadvertent error has already been gone into by this Court in *CWP No. 19270 of 2017 titled as Pawan Kumar vs. State of Haryana and others decided on 08.05.2019* and in *CWP No.14863 of 2017 titled as Sarla vs. State of Haryana and others* decided on 31.10.2018. The aforesaid judgments have been upheld in LPA also. Since the petitioner belongs to BCA category and should have been considered for appointment only in that category on the basis of her marks i.e. 63.4 well above the cut off marks of last candidate i.e. 54.6.

On 19.05.2022, the following order was passed :-

> "*The petitioner herein has approached this Court by way of civil writ petition seeking appointment to the post of Female Constable advertised as per Advertisement No.3 of 2018. It is submitted that the petitioner belongs to BCA category and should have been considered for appointment therein. She had secured 63.4 marks well above the cut-off marks of 54.6 marks. It is submitted that there*

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was an inadvertent error, while uploading the correct document pertaining to her category, which has now disentitled her to be considered for appointment.

Learned counsel appearing on behalf of the respondent-State, on the last date of hearing, had sought time to go through the judgments relied upon by the counsel appearing for the petitioner wherein in similar circumstances, when there was an inadvertent error in uploading the document, the claim of the petitioner therein had been considered. He submits that claim of the petitioner will be re-considered by the Commission within a period of one month from today and seeks time to place the necessary consideration on record.

Adjourned to 29.08.2022.

(JAISHREE THAKUR)
JUDGE

May 19, 2022"

Thereafter on 29.08.2022, learned State counsel, on instructions from the department, submitted that in terms of order dated 19.05.2022, the claim of the petitioner has been re-considered and a decision has been taken. Learned State counsel sought time to place the said decision on record.

In compliance of the aforesaid order, learned State counsel has placed on record a photocopy of the letter dated 20.01.2023 to show that the candidature of the petitioner has been considered in BCA category. On the basis of her total 63.40 marks and also on the basis of over all performance, she

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falls in the selection zone and selected at the Merit No.79-A for the post of Female Constable against advertisement No. 03/2018, Category No.02 and her name has been recommended for appointment.

In view of the aforesaid letter dated 20.01.2023, nothing survives in this petition and the same is accordingly disposed of.

Normal consequence to follow.

(RAJ MOHAN SINGH)
JUDGE

February 01, 2023
anita

whether speaking/non speaking yes/no
whether reportable/non reportable yes/no

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