

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

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**CWP-7288-2019 (O&M)
Date of decision: 18.04.2023**

Kaushalya

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. V.P. Sangwan, Advocate for the applicant-petitioner.

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 Certiorari quashing the final result dated 08.03.2019 (Annexure P-5) for the posts of Post Graduate Teacher (PGT) Biology (Rest of Haryana) under Orthopedically Handicapped Category and further directing the respondents to prepare a fresh result after considering the total marks of the petitioner obtained in the selection process.

Learned counsel for the petitioner submits that being eligible, the petitioner had applied for the post of PGT Biology (Rest of Haryana) under Orthopedically Handicapped Category in terms of Advt. No.04/2015 published by respondent No.2-Haryana Staff Selection Commission; that the petitioner appeared in the written examination and after declaration of result thereof, she was called for documents verification, wherein she was found eligible for the post; that during documents verification, the petitioner had

also presented the original Orthopedic Handicap Certificate before the Committee; that after interview, the final result was declared on 08.03.2019 (Annexure P-5) and that as per the answer key of Set-A (given to the petitioner in the written examination) uploaded by respondent No.2, the petitioner has secured 148 marks, whereas the last selected candidate has secured 74 marks.

Learned counsel for the petitioner further submits that on 18.02.2021 after hearing the learned counsel for the petitioner, a direction was issued by a Coordinate Bench to respondent No.2 to file a specific affidavit.

Learned State counsel points out that as per the affidavit dated 15.07.2021 filed along with Annexure R-2/1 (copy of attendance sheet of interview) by the Secretary (Legal), Haryana Staff Selection Commission on behalf of respondent No.2, the petitioner as well as other candidates were called for interview for the posts of PGT Biology (Rest of Haryana) (Cat. No.1). He also draws the attention of this Court towards the attendance sheet (Annexure R-2/1) and submits that the petitioner was interviewed provisionally and specific remarks i.e. 'OH Certificate not attached, but Id card' have been recorded in her column, meaning thereby, she was not having the requisite Orthopedic Handicap Certificate at the time of interview.

This fact has been disputed by the learned counsel for the petitioner and he submits that the said note was written subsequently and not in the presence of the petitioner. He further points out that at the time of documents verification, the petitioner was found eligible.

I have heard the learned counsel for the parties and have also gone through the documents on record.

It is not possible for this Court to give a finding on the disputed questions of fact, which require recording of evidence, while exercising the powers under Article 226 of the Constitution of India. This Court while dealing with the writ petition cannot adjudicate such questions of disputed fact.

Hence the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

18.04.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No