

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

118

**CWP-8059-2023 (O&M)
Date of decision: 19.04.2023**

Akshay Sharma

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. AG Haryana.

Mr. Govind Tanwar, Advocate for
Mr. Kanwal Goyal, Advocate for respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of Certiorari quashing the action of the respondents, whereby the candidates lower in the merit, have been called for documents verification on 19.04.2023 and 21.04.2023. A further prayer is made for issuance of a writ in the nature of Mandamus directing the respondents to consider the candidature of the petitioner for the post of Special Educator for Classes 9th to 12th and 1st to 8th.

Learned counsel for the petitioner submits that vide advertisement No. 1-IED-SS/2022 dated 01.07.2022 (Annexure P-1), applications for 205 posts of Special Educator for Classes 9th to 12th and 92 posts of Special Educator for Classes 1st to 8th were invited by the Haryana School Shiksha Priyोजना Parishad, Haryana; that the petitioner, being fully eligible, had applied for the said post under General Category; that the

petitioner appeared in the written examination on 05.08.2022 and thereafter, the successful candidates, including the petitioner, were called for verbal communication test through email and that as per the result of the written examination and verbal communication test, declared by respondent No.2, the petitioner has secured 58.95 marks (for Classes 9th to 12th) and 59.95 marks (for Classes 1st to 8th). It is further submitted that in terms of the said result, respondent No.2 has called the candidates, including those lower in ranks than the petitioner in the merit list, for documents verification on 19.04.2023 and 21.04.2023, but the petitioner has not been called.

Notice of motion.

Mr. Rajesh Gaur, Additional AG, Haryana, accepts notice on behalf of respondent No.1.

When case was taken up at 12 O'clock, learned State counsel was directed to call learned counsel representing respondent No.2.

The case is again taken up at 12.30 p.m.

Mr. Govind Tanwar, Advocate appears and accepts notice on behalf of Mr. Kanwal Goyal, Advocate for respondent No.2, and submits that he has specific instructions to say that as per the advertisement in question, out of 205 posts of Special Educator for classes 9th to 12th, 22 posts are meant for ESM/General category and there is no post of General Category. It is further submitted that the petitioner was called for written examination and verbal communication test, inadvertently, and that rests of the posts under the respective categories, are intact. He further submits that as per his instructions, the actual meaning of ESM/General, is that the post is only meant for Ex. Servicemen General Category and not for General Category; that as far as 92 posts of Special Educator for Classes 1st to 8th are concerned, one post is meant for General Category, for which three candidates were

called for documents verification and that out of the said three candidates, 67.07 marks had been secured by last candidate in the written examination and verbal communication test, whereas the petitioner was able to secure only 59.95 marks.

At this, learned counsel for the petitioner submits that respondent No.2 cannot go beyond the advertisement and the petitioner has already been allowed to participate in the written examination as well as verbal communication test.

I have heard the learned counsel for the parties and have also gone through the paper-book.

A perusal of the advertisement in question would show that out of 92 posts of Special Educator for Classes 1st and 9th, only one post was meant for the General Category. Against that one post, three candidates had been called for the documents verification and the last candidates of them, has secured 67.07 marks in the written examination and verbal communication test, whereas the petitioner was able to secure only 59.95 marks. As against 205 posts of Special Educator for Classes 9th to 12th, no post was meant for General Category. However, 22 posts were meant for ESM General Category. As noticed above, it is the specific stand of respondent No.2 that the petitioner had been called for written examination and verbal communication test, inadvertently.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

19.04.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No