

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

LPA-685-2023 (O&M)

Date of decision:- 25.05.2023

Kaushalya

...Appellant(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. V.P. Sangwan, Advocate,
for the appellant.

* * * *

RAVI SHANKER JHA, C.J. (ORAL)

This appeal has been directed against the judgement and order dated 18.04.2023 passed by the learned Single Judge dismissing the writ petition filed by the petitioner (appellant herein) praying for quashing the final result dated 08.03.2019 (Annexure P-5) pertaining to the posts of Post Graduate Teacher (PGT) Biology (Rest of Haryana) under Orthopedically Handicapped Category.

The learned Single Judge after considering all the aspects raised by the petitioner in the writ petition has held that the same involves seriously disputed questions of fact and, therefore, cannot be entertained under Article 226 of the Constitution of India.

The brief facts leading to the filing of the writ petition are that the petitioner had applied for appointment on the post of PGT Biology pursuant to an advertisement issued by respondent No. 2 – Haryana Staff Selection Commission. The petitioner was not selected. Hence, she filed the writ petition in the year 2019. The respondents had filed a reply and stated that the petitioner, though applied under the orthopedically handicapped category, did not produce the certificate of such incapacitation as required by the rules at the time of interview and, therefore, she was not granted appointment.

Learned counsel for the appellant submits that the appellant had produced such a certificate.

Having heard learned counsel for the appellant, it is observed that a person who applies under the handicapped category is required to upload the certificate alongwith the documents of essential qualifications with an application form as required by page 12 of the advertisement under the heading 'documents to be uploaded with the application form'. Page 13 of the

advertisement provides for and requires a candidate applying under that category to produce the certificate at the time of interview under the heading ‘documents to be brought at the time of interview/viva’. In the same page, likely causes for rejection of an application are also mentioned which indicate incomplete application, lack of essential qualification as prescribed in the advertisement, variation in data of online application form and the original documents. The respondents in their return before the learned Single Judge had categorically stated that the petitioner was not granted appointment as she failed to fulfill the requirements of the advertisement and produce the certificate regarding the fact that she was orthopedically incapacitated at the time of interview and, therefore, a specific note was made indicating that the petitioner had not produced the relevant certificate during interview.

Learned counsel for the appellant disputed this factual aspect, but did not produce any document to substantiate the same and in fact had not even filed the concerned certificate of orthopedic incapacity alongwith the writ petition, but did so by way of a miscellaneous application only subsequently on an objection being raised by the respondents. Furthermore, from a bare perusal of the disability certificate (Annexure P-8) and the accompanying civil miscellaneous application filed by the appellant, it is evident that the certificate of orthopedic incapacity is dated 14.11.2018 which is well after the date of declaration of the result dated 06.09.2018 (Annexure P-4) and, therefore, it is evident that the appellant did not possess the disability certificate either on the date of applying for the post of PGT in the year 2015 or at the time when the interview and scrutiny of documents was held by the respondent-authorities. In such circumstances, we do not find any ground to interfere in the matter as far as denial of relief to the appellant by the learned Single Judge is concerned.

The appeal filed by the appellant being meritless is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

25.05.2023
Amodh Sharma

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